

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 March 31, 2019

11 11:09 a.m.

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13
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BENJAMIN: The
3 Senate will come to order.

4 I ask everyone present to please
5 rise and repeat with me the Pledge of Allegiance.

6 (Whereupon, the assemblage recited
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT BENJAMIN: In the
9 absence of clergy, let us bow our heads in a
10 moment of silent reflection or prayer.

11 (Whereupon, the assemblage respected
12 a moment of silence.)

13 ACTING PRESIDENT BENJAMIN: The
14 reading of the Journal.

15 THE SECRETARY: In Senate,
16 Saturday, March 30, 2019, the Senate met pursuant
17 to adjournment. The Journal of Friday, March 29,
18 2019, was read and approved. On motion, Senate
19 adjourned.

20 ACTING PRESIDENT BENJAMIN: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,
7 on behalf of Senator Skoufis, on page 14 I offer
8 the following amendments to Calendar 269, Senate
9 Print 1630A, and ask that the bill will retain
10 its place on the Third Reading Calendar.

11 ACTING PRESIDENT BENJAMIN: The
12 amendments are received, and the bill will retain
13 its place on the Third Reading Calendar.

14 Senator Gianaris.

15 SENATOR GIANARIS: Mr. President,
16 there will be an immediate meeting of the Finance
17 Committee in Room 332.

18 ACTING PRESIDENT BENJAMIN: There
19 will be an immediate meeting of the Finance
20 Committee in Room 332.

21 SENATOR GIANARIS: The Senate will
22 stand at ease.

23 ACTING PRESIDENT BENJAMIN: The
24 Senate will stand at ease.

25 (Whereupon, the Senate stood at ease

1 at 11:11 a.m.)

2 (Whereupon, the Senate reconvened at
3 12:03 p.m.)

4 ACTING PRESIDENT BENJAMIN: The
5 Senate will return to order.

6 Senator Gianaris.

7 SENATOR GIANARIS: Mr. President,
8 is there a report of the Finance Committee at the
9 desk?

10 ACTING PRESIDENT BENJAMIN: There
11 is a report of the Finance Committee at the desk.
12 The Secretary will read.

13 THE SECRETARY: Senator Krueger,
14 from the Committee on Finance, reports the
15 following bills:

16 Senate Budget Bill, Senate Print
17 1503D, an act making appropriations for the
18 support of government: AID TO LOCALITIES BUDGET;

19 Senate Budget Bill, Senate Print
20 1504D, an act making appropriations for the
21 support of government: CAPITAL PROJECTS BUDGET;

22 Senate Budget Bill, Senate Print
23 1505C, an act to amend the Civil Service Law;

24 Senate Budget Bill, Senate Print
25 1506C, an act to amend the Education Law;

1 Senate Budget Bill, Senate Print
2 1507C, an act to amend the Social Services Law;
3 and

4 Senate Budget Bill, Senate Print
5 1508C, an act to amend the Public Authorities
6 Law.

7 All bills reported direct to third
8 reading.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Gianaris.

11 SENATOR GIANARIS: Mr. President,
12 move to accept the Finance Committee report.

13 ACTING PRESIDENT BENJAMIN: All in
14 favor of accepting the Committee on Finance
15 report signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT BENJAMIN:
18 Opposed?

19 (No response.)

20 ACTING PRESIDENT BENJAMIN: The
21 Committee on Finance report is accepted and
22 before the house.

23 SENATOR GIANARIS: Thank you,
24 Mr. President.

25 Can you please call on Senator

1 Griffo.

2 ACTING PRESIDENT BENJAMIN: Senator

3 Griffo.

4 SENATOR GRIFFO: Mr. President,
5 there will be an immediate meeting of the
6 Republican Conference in Room 315, a brief
7 conference in Room 315.

8 ACTING PRESIDENT BENJAMIN: There
9 will be an immediate meeting of the Republican
10 Conference in Room 315.

11 SENATOR GIANARIS: The Senate will
12 stand at ease.

13 ACTING PRESIDENT BENJAMIN: The
14 Senate will stand at ease.

15 (Whereupon, the Senate stood at ease
16 at 12:05 p.m.)

17 (Whereupon, the Senate reconvened at
18 12:42 p.m.)

19 ACTING PRESIDENT BENJAMIN: The
20 Senate will return to order.

21 Senator Gianaris.

22 SENATOR GIANARIS: Mr. President,
23 can we now please take up the supplemental
24 calendar.

25 ACTING PRESIDENT BENJAMIN: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 355, Senate Budget Bill, Senate Print 1503D, an
4 act making appropriations for the support of
5 government.

6 SENATOR GRIFFO: Lay it aside.

7 ACTING PRESIDENT BENJAMIN: Lay it
8 aside.

9 SENATOR GIANARIS: Lay the bill
10 aside temporarily, please.

11 ACTING PRESIDENT BENJAMIN: Lay it
12 aside temporarily.

13 THE SECRETARY: Calendar Number
14 356, Senate Budget Bill, Senate Print 1504D, an
15 act making appropriations for the support of
16 government.

17 SENATOR GRIFFO: Lay it aside.

18 ACTING PRESIDENT BENJAMIN: Lay it
19 aside.

20 SENATOR GIANARIS: Lay the bill
21 aside temporarily.

22 ACTING PRESIDENT BENJAMIN: Lay it
23 aside temporarily.

24 THE SECRETARY: Calendar Number
25 357, Senate Budget Bill, Senate Print 1505C, an

1 act to amend the Civil Service Law.

2 SENATOR GRIFFO: Lay it aside.

3 ACTING PRESIDENT BENJAMIN: Lay it
4 aside.

5 THE SECRETARY: Calendar Number
6 358, Senate Budget Bill, Senate Print 1506C, an
7 act to amend the Education Law.

8 SENATOR GRIFFO: Lay it aside.

9 ACTING PRESIDENT BENJAMIN: Lay it
10 aside.

11 THE SECRETARY: Calendar Number
12 359, Senate Budget Bill, Senate Print 1507C, an
13 act to amend the Public Health Law.

14 SENATOR GIANARIS: Lay it aside
15 temporarily.

16 ACTING PRESIDENT BENJAMIN: Lay it
17 aside temporarily.

18 THE SECRETARY: Calendar Number
19 360, Senate Budget Bill, Senate Print 1508C, an
20 act to amend the Public Authorities Law.

21 SENATOR GRIFFO: Lay it aside.

22 ACTING PRESIDENT BENJAMIN: Lay it
23 aside.

24 Senator Gianaris.

25 SENATOR GIANARIS: Mr. President,

1 can we now move to the controversial calendar and
2 take up Calendar Number 360.

3 ACTING PRESIDENT BENJAMIN: The
4 Secretary will ring the bell.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 360, Senate Budget Bill, Senate Print 1508C, an
8 act to amend the Public Authorities Law.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Seward.

11 SENATOR SEWARD: Yes,
12 Mr. President. I am asking, through you, if
13 Senator Krueger would yield for some questions.

14 ACTING PRESIDENT BENJAMIN: Will
15 the sponsor yield?

16 SENATOR KRUEGER: Yes, I will.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR SEWARD: The requirement is
20 that the Legislature produce a financial plan
21 prior to the passage of budget bills and related
22 legislation. And this is part of our 2007 budget
23 reform measures that we enacted back then, and
24 this is under Legislative Law 54, Section 54.

25 And I think it is -- the reason for

1 that requirement is that obviously it's important
2 for the members to have on their desks and have
3 available the information about the receipts that
4 are included in this budget and the numbers in
5 terms of expenditures.

6 So my question is, Senator Krueger,
7 do you have a a financial plan as required under
8 Section 54 of the Legislative Law?

9 SENATOR KRUEGER: Through you
10 Mr. President, the answer is very soon.

11 The law actually says "preceding
12 final action on all such appropriation bills."
13 We're not taking up appropriation bills yet,
14 we're taking up Article VII bills. But we will
15 have that for you before we take up appropriation
16 bills.

17 SENATOR SEWARD: If Senator Krueger
18 would continue to yield.

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR KRUEGER: Yes, I will.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR SEWARD: Would you agree
25 that whether Article VII or not -- I mean, it

1 indicates on the Article VII bill that it is a
2 budget bill, it's listed as a budget bill in our
3 calendar. Would you not agree that it's
4 important for the members to have that financial
5 plan prior to voting on any budget bill, because
6 it's all related?

7 SENATOR KRUEGER: So yes,
8 information is important as soon as it is
9 available. And unfortunately, we don't quite
10 have it available, although we're getting there.
11 But we are not in violation of the budget law
12 because we are not taking up the appropriation
13 bills yet, we're taking up Article VII bills.
14 Just one moment.

15 I can -- Mr. President, through
16 you -- I can walk through the fact that we can
17 confirm that the State Operating funds will be
18 102.1 billion, spending growth below the
19 2 percent spending cap, and All Government funds
20 will be 175.5 billion, spending growth of
21 3.8 billion for All Government funds, and that we
22 are making spending changes from the Executive's
23 original proposed budget of an additional
24 975 million in additions, 200 million in other
25 costs because of timing issues, and offsets of

1 733 million in prepayments and reestimates and
2 300 million from undoing portions of accelerated
3 repayment of pension amortizations.

4 SENATOR SEWARD: If Senator Krueger
5 would continue to yield.

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR KRUEGER: Yes, I will.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR SEWARD: I have a number of
12 questions regarding how we get there -- got there
13 in terms of this budget, which is closely related
14 to the financial plan. Would you be willing to
15 answer additional questions regarding how we got
16 there in terms of the 2 percent spending cap that
17 you have alluded to, in terms of that's -- that
18 cap is in effect in terms of this proposed
19 budget? I have a number of questions about how
20 we got there. Would you be willing to answer
21 those now or when we have the financial plan in
22 front of us?

23 SENATOR KRUEGER: I would take a
24 stab at now, Mr. President.

25 SENATOR SEWARD: Okay. If Senator

1 Krueger continues to yield.

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield?

4 SENATOR KRUEGER: Yes, I do.

5 ACTING PRESIDENT BENJAMIN: The
6 sponsor yields.

7 SENATOR SEWARD: The Executive
8 Budget estimated 27.797 billion for All Funds
9 miscellaneous receipts -- you know, the licenses,
10 fees and all the miscellaneous receipts. Has
11 your number changed from the Executive's
12 estimate?

13 SENATOR KRUEGER: We're not aware
14 of any substantial differences from the
15 Governor's original executive section.

16 SENATOR SEWARD: If Senator Krueger
17 would continue to yield.

18 ACTING PRESIDENT BENJAMIN: Does
19 the sponsor yield?

20 SENATOR KRUEGER: Yes, I will.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields.

23 SENATOR SEWARD: You know, the
24 Executive Budget also presented to us by the
25 Governor estimated 3.528 billion for All Funds

1 Lottery receipts. Has that number changed from
2 this estimate in this budget that's before us
3 today?

4 SENATOR KRUEGER: Through you,
5 Mr. President, we don't think that has
6 significantly changed, no.

7 SENATOR SEWARD: Mr. President,
8 the -- the answer is not significantly changed --

9 ACTING PRESIDENT BENJAMIN: Senator
10 Seward, are you on the bill or --

11 SENATOR SEWARD: No, I ask for
12 another question.

13 ACTING PRESIDENT BENJAMIN: Will
14 the sponsor yield?

15 SENATOR KRUEGER: Of course.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR SEWARD: I'm finding "not
19 significantly changed" is rather inexact in terms
20 of our making sure that the members, all the
21 members have a very clear understanding in terms
22 of the state's receipts and expenditures.

23 Will the financial plan be more
24 specific, and then we can have a discussion at
25 that time once it is issued?

1 SENATOR KRUEGER: Yes, we can
2 certainly have a continued and additional
3 discussion at that time.

4 SENATOR SEWARD: Then on the bill.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Seward on the bill.

7 SENATOR SEWARD: Yeah, this bill
8 before us today is the first budget bill of the
9 new fiscal year.

10 And as we take a look at this
11 proposal and act upon it, I would say we're not
12 doing so in a vacuum. I mean, New York State is
13 at a crossroads as we put this budget together
14 this year, and we are facing a number of
15 headwinds. The fact that we've had a number of
16 people outmigrate from New York State in the last
17 few years -- and in particular last year we
18 actually lost population. And the Governor is --
19 has talked about the fact that high taxes in
20 New York contribute to that. And I'm not just
21 talking about the -- those high-income earners
22 that may be caught up in the federal SALT issue.
23 There is outmigration happening in the upstate
24 region where the SALT is not a factor, but just
25 hardworking, overburdened taxpayers have decided

1 to leave the State of New York and our population
2 is going down.

3 We're one of the few states in the
4 nation -- I think there are only two others --
5 that have actually lost population over the last
6 year. We were one of them.

7 And I was very struck by the recent
8 poll which indicated that well over a third of
9 New Yorkers say that they cannot afford to live
10 in the State of New York.

11 And we do not have some key parts of
12 this proposed budget before us yet. They're not
13 in print yet. We don't have the financial plan.
14 But working from press releases, I can say that
15 what is the response in this budget to the
16 outmigration, the fact that people can no longer
17 afford to be in this state? And unfortunately,
18 the response in this budget is taxes, taxes, and
19 more taxes.

20 There are cost shifts and new
21 mandates on local governments, which not only hit
22 local governments but I'm very concerned with the
23 fact that they hit local property taxpayers.

24 We have lost the potential very
25 positive effect of Amazon coming to New York --

1 25,000 good-paying jobs, \$27 billion in new
2 revenue for the state over the next five years.
3 It would seem to me that this budget should, in
4 reaction to the Amazon effect, take very strong
5 actions in terms of creating new job
6 opportunities for New Yorkers.

7 This budget, as I read it in press
8 releases, does not do anything in terms of
9 creating new jobs. It strikes me as being the
10 exact wrong priorities for New York.

11 Now, there are a number of good
12 things, from what I read in press releases, in
13 this budget. I'm pleased that we're looking at a
14 permanent tax cap, which has been a long-time
15 priority of this side of the aisle. I'm also
16 pleased that apparently we're going to provide
17 some additional assistance for our direct care
18 workers. And speaking as the State Senator for
19 Schoharie County, where that horrific limousine
20 crash occurred last fall, I'm pleased that there
21 are some additional safeguards and additional
22 insurance requirements for limousines.

23 I mean, those are some positives.
24 But as I look at this overall budget, it's a
25 bad -- the bad in this budget far outweighs the

1 good. And as we proceed through the day, members
2 on this side of the aisle will show and talk
3 about that there is in fact a better way to put a
4 budget together that truly meets the current
5 needs of the hardworking taxpayers of our state.
6 And I look forward to that discussion going
7 forward.

8 Thank you, Mr. President.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Funke.

11 SENATOR FUNKE: Thank you,
12 Mr. President. Would the sponsor of Part H, on
13 the plastic bag ban, yield for a couple of
14 questions?

15 SENATOR GIANARIS: Mr. President,
16 can we ask Senator Kaminsky to respond to those
17 questions.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Kaminsky, do you yield?

20 SENATOR KAMINSKY: Yes.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields.

23 SENATOR FUNKE: Thank you, Senator.
24 Can you explain the bill and why you think it's
25 necessary?

1 SENATOR KAMINSKY: Sure. The bill
2 would ban plastic bags because plastic's really
3 bad for the environment. There are billions of
4 plastic bags that end up -- that are
5 nonbiodegradable that end up in our atmosphere,
6 inside marine animals, in the ocean, on our
7 beaches and on our streets. A few years ago when
8 there was much brouhaha surrounding this issue,
9 the Governor put a task force together. Its
10 recommendation was to ban plastic bags. And I
11 think this is an important step that we're taking
12 today in order to reduce the amount of plastic
13 waste that we have in our environment and that
14 sit in our landfills.

15 So that's the -- that's why it's
16 necessary, and that's what the bill would do with
17 respect to plastic.

18 SENATOR FUNKE: Would the Senator
19 continue to yield?

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR KAMINSKY: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR FUNKE: Does this impact

1 more than traditional grocery stores? For
2 example, will you have to pay for paper at
3 Target, at Walmart, at Rite-Aid, at Home Depot,
4 Kohl's?

5 SENATOR KAMINSKY: Yes. So this
6 would involve paper if a locality chooses to
7 institute a 5-cent fee on paper bags, and the
8 idea is so that people aren't going from plastic
9 to paper but plastic to a reusable bag. But
10 that's at the local level to be decided, to the
11 level of government closest to the people who
12 live in a given area.

13 Paper is an energy-intensive process
14 in terms of making it, and also isn't the best
15 thing for our environment, to put it mildly. So
16 this would be a ban on plastic, with a few
17 exceptions. And with respect to paper, a
18 locality such as a county would be able to
19 institute a 5-cent fee on that.

20 SENATOR FUNKE: Will the sponsor
21 continue to yield?

22 SENATOR KAMINSKY: Yes.

23 ACTING PRESIDENT BENJAMIN: Does
24 the Senator yield? The Senator yields.

25 SENATOR FUNKE: Paper bags take up

1 nine times more room at landfills than plastic.
2 Why is it still acceptable to use paper and
3 simply attach a tax?

4 SENATOR KAMINSKY: Well, I think,
5 you know, we kind of had an evolution with
6 respect to plastic bags where, you know, we got
7 to a point where we saw localities instituting a
8 fee, people started using reusable bags.

9 Where I live in the City of
10 Long Beach, we had a 5-cent fee on plastic.
11 People flipped out for like a little bit, and now
12 it's just commonplace for people to use a
13 reusable bag. And I think it's gone pretty
14 successfully, whether it's in Suffolk County,
15 Long Beach, other jurisdictions. And now
16 localities, with paper, will have the opportunity
17 to try that.

18 I mean, I'm hoping that we'll be in
19 a position very soon where we're not using paper,
20 but I think this will allow the level of
21 government closest to people -- I know certain
22 Senators on your side of the aisle, certainly on
23 mine, talk about, you know, wanting to have
24 localities able to make decisions for the people
25 that they represent. And if a locality finds

1 that the paper waste in its community is
2 overwhelming, it could choose to institute a fee
3 that will drive behavior toward using a reusable
4 bag.

5 And when a county institutes a fee
6 on paper, it has to use the money it's going to
7 get to buy reusable bags for those fixed-income
8 and low-income residents of their district so
9 that reusable bags will be available to them.

10 SENATOR FUNKE: Will the sponsor
11 continue to yield?

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR KAMINSKY: Yes.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR FUNKE: If, as you said,
18 plastic bags are being banned because they're bad
19 for the environment, why are there exceptions in
20 this bill?

21 SENATOR KAMINSKY: There are
22 exceptions to try to accommodate some realities
23 of our modern society. I think when someone is
24 at a grocery store handling raw fish or putting
25 his or her produce into a small bag, there's

1 really not a lot of options available to that
2 person. Over time we'll be able to examine these
3 and see if they're not working.

4 But we did want to accommodate some
5 exceptions. I've tried to take food home from a
6 restaurant not in such a bag, and it doesn't go
7 well for my car, for my reusable bag or for
8 anyone around me. So we tried to have some
9 exceptions, but we obviously did it in a way
10 where the exceptions don't subsume the rule. And
11 if any of these exemptions prove to be creating
12 too much plastic, we can always go back and
13 adjust it.

14 SENATOR FUNKE: Would the sponsor
15 continue to yield.

16 ACTING PRESIDENT BENJAMIN: Will
17 the sponsor yield?

18 SENATOR KAMINSKY: Yes.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR FUNKE: So, Senator, I can
22 go to a restaurant and leave with my food in
23 Styrofoam in a plastic bag?

24 SENATOR KAMINSKY: Yes.

25 SENATOR FUNKE: Would the sponsor

1 continue to yield, one more question.

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield?

4 SENATOR KAMINSKY: Yes.

5 ACTING PRESIDENT BENJAMIN: The
6 sponsor yields.

7 SENATOR FUNKE: One more question
8 would be if I have old Wegmans plastic bags at
9 home, can I bring them to the store and use them
10 again?

11 SENATOR KAMINSKY: Did you say an
12 old white man's plastic bag?

13 (Laughter.)

14 SENATOR FUNKE: Wegmans. You may
15 not --

16 (Laughter.)

17 SENATOR FUNKE: Wegmans.

18 SENATOR KAMINSKY: I didn't know
19 what that -- I didn't know what that was. I'm
20 sorry, can you please repeat the question?

21 SENATOR FUNKE: If I have old
22 Wegmans bags, plastic Wegmans bags at my --
23 Wegmans. Wegmans is coming to Manhattan, though.

24 SENATOR KAMINSKY: No, we have
25 Waldbaum's.

1 SENATOR FUNKE: You may be familiar
2 that Wegmans is coming to Manhattan.

3 Grocery store bags. If I have old
4 ones and I want to bring them back to the store
5 and use them again, can I do that?

6 SENATOR KAMINSKY: Yes.

7 SENATOR FUNKE: Okay. On the bill,
8 Mr. President.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Funke on the bill.

11 SENATOR FUNKE: Thank you, Senator
12 Kaminsky, for your answers on that.

13 Despite all the arguments, I think,
14 to the contrary, what we have here is another
15 tax. And not just any tax, it's a tax on
16 something that everybody has to do, and that is
17 buy food. Look, I fully understand the
18 environmental concerns that plastic anything can
19 cause, and we should address it. But I'm pretty
20 certain that all 62 Senators in this chamber are
21 environmentally conscious and, like me, take the
22 individual responsibility to recycle the bags
23 that they get from a grocery store. I don't like
24 seeing a plastic bag hanging from a tree anymore
25 than the next guy, but I also don't like to see

1 mountains of fast food paper on the side of the
2 road either, and I don't think anybody is
3 suggesting that we add a nickel to every
4 McDonald's bag.

5 The responsibility for littering
6 lies with all of us. There are laws, we should
7 enforce them, we should be vigilant about having
8 county and state road crews keep our state clean
9 and spotless. It is good for tourism. But it's
10 well documented that increasing the use of paper
11 increases the carbon footprint that we're all
12 worried about. It takes four times as much
13 energy to manufacture a paper bag, and it kills
14 one of our greatest tools for fighting pollution,
15 our trees. It takes 91 percent less energy to
16 recycle a plastic bag than it does a paper bag.
17 And because paper is so much heavier, it requires
18 nine times more energy to ship it.

19 Wegmans and other supermarkets
20 suggested changing societal behavior by charging
21 for both paper and plastic to encourage the
22 switch to reusable bags, but nobody listened.
23 Instead of banning plastic bags and charging a
24 fee for paper, we could have given supermarkets a
25 tax credit to make up the delta between the cost

1 of paper and plastic. We could have listened to
2 our business owners. But instead we chose
3 expediency and ideology over common sense and
4 caution.

5 So to me, this is simply another
6 money grab by the Governor, and another way to
7 get into our wallets. And another Albany
8 mandate. Those plastic bags that you're banning
9 are reusable for a variety of things at home.
10 They are recyclable. It would be better to come
11 up with an incentive to recycle rather than
12 literally nickel-and-diming taxpayers at every
13 turn.

14 Thank you, Mr. President.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Tedisco.

17 SENATOR TEDISCO: Will the
18 gentleman yield for a few questions?
19 Mr. Kaminsky.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Kaminsky, will you yield?

22 SENATOR KAMINSKY: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 Senator yields.

25 SENATOR TEDISCO: Yeah, I think

1 Senator Funke hit the point on the head. Why not
2 use the reverse process? They can be recycled.
3 Why not provide a financial incentive to bring
4 the bags back for constituents and pay them a
5 nickel, a dime, 15 cents or a quarter, whatever
6 it is, to bring the bags back to be recycled,
7 instead of charging for other bags when you ban
8 the plastic bags?

9 SENATOR KAMINSKY: Through you,
10 Mr. President. You know, I think the idea is
11 that we ban plastic bags and people use reusable
12 bags.

13 SENATOR TEDISCO: Well, would the
14 gentleman yield for another question.

15 ACTING PRESIDENT BENJAMIN: Will
16 the sponsor yield?

17 SENATOR KAMINSKY: Yes.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR TEDISCO: Because I'm not
21 sure that actually is going to happen, and I'll
22 tell you why. Do you live in a house,
23 Mr. Kaminsky?

24 SENATOR KAMINSKY: No, but I almost
25 will -- I almost do. I almost will soon.

1 SENATOR TEDISCO: I didn't quite
2 hear that.

3 SENATOR KAMINSKY: I live in an
4 apartment, and hopefully by June 1st -- it better
5 be by June 1st -- I'll be living in a house.

6 (Laughter.)

7 SENATOR TEDISCO: Okay. In my
8 house, I have eight or nine rooms, and in each
9 room there's a small --

10 ACTING PRESIDENT BENJAMIN: Senator
11 Tedisco, are you on the bill or are you asking
12 the sponsor to yield?

13 SENATOR TEDISCO: Sponsor.

14 ACTING PRESIDENT BENJAMIN: Does
15 the sponsor yield?

16 SENATOR KAMINSKY: Yes.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR TEDISCO: And I think you
20 probably do the same thing, and many of the
21 legislators in here. I have small canisters for
22 refuse, and in those I put a plastic bag. Do you
23 know where those plastic bags come from? They
24 come from the supermarket. So I actually use
25 those. And when they get full, yes, I do take

1 those and I put them into the garbage.

2 I also have a little dog, and I take
3 my dog out. When I take my dog out to walk, when
4 she does her business I use the grocery bags to
5 pick up her business, and those go in the
6 garbage.

7 When all these plastic garbage bags
8 are gone, you know what I'm going to have to do.
9 I'm going to have to go to the store, go to the
10 area where they sell bags for those canisters,
11 and I'm going to have to purchase those plastic
12 bags. And I'm going to continue to put plastic
13 bags in those little canisters, and I'm going to
14 have to continue to use it for my little dog when
15 I take her outside.

16 So if we really want to save the
17 environment, why don't we just ban all plastic,
18 except the exceptions maybe you talked about with
19 food and some of those other areas? Why don't we
20 say business can't sell plastic bags for anything
21 anymore?

22 SENATOR KAMINSKY: Through you,
23 Mr. President. Look, we intend to be as
24 aggressive as we can with looking at different
25 types of plastic and Styrofoam. This is an issue

1 that's been kicked around for a while. A
2 commission has looked into it; this was its
3 recommendation. We think this is a pretty sound
4 method.

5 But we certainly don't want people
6 taking bags from grocery stores, putting garbage
7 in them and then throwing them out. They'll end
8 up in landfills. But I certainly understand that
9 this can't end here and we're all going to
10 obviously have to consider -- because people can
11 buy in bulk, like you're talking about, and we'll
12 have to consider how that goes down the road.

13 SENATOR TEDISCO: Will the
14 gentleman yield?

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR KAMINSKY: Yes.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR TEDISCO: So what's the
21 alternative when we take the plastic bags away
22 for those small canisters? What do we put in
23 them?

24 SENATOR KAMINSKY: You could buy a
25 trash bag and put it in there.

1 SENATOR TEDISCO: That's what I'm
2 saying. So I'm just buying the trash bags that I
3 was getting for free --

4 ACTING PRESIDENT BENJAMIN: Senator
5 Tedisco, are you on the bill or are you asking
6 the sponsor to yield?

7 SENATOR TEDISCO: A combination.
8 No --

9 (Laughter.)

10 ACTING PRESIDENT BENJAMIN: I need
11 you to pick one.

12 SENATOR TEDISCO: We should
13 institute a rule where there is a combination.

14 No, I'm asking him another question.

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR KAMINSKY: Yes.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR TEDISCO: So am I not --
21 should I ask him or you? Which?

22 Am I not exactly using the same
23 amount of plastic bags that I usually use, but
24 I'm paying for them by buying those boxes with
25 little bags in the store?

1 Now, I cannot have those bags in
2 there, but the bacteria would get all in those
3 canisters, and that would not be a good thing.
4 So how are we really helping the environment?

5 SENATOR KAMINSKY: Through you,
6 Mr. President. The single-use disposable bags
7 are more harmful to the environment than the bulk
8 bags you buy. But the average American uses a
9 single-use plastic bag for 12 minutes in the
10 total life of the bag before it goes to a
11 landfill or winds up on a tree or a beach.

12 So the single-use bags are a
13 particular scourge, and that's what this is aimed
14 to combat.

15 SENATOR TEDISCO: Will the
16 gentleman yield?

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield?

19 SENATOR KAMINSKY: Yes.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR TEDISCO: All the bags I'm
23 going to be buying to substitute for the
24 single-use bags are going to be single-use bags.
25 So I'm just backfilling from companies who sell

1 these bags in boxes instead of me getting them --
2 listen, I never threw -- I don't think I could
3 ever remember throwing a plastic bag away empty.
4 I utilize them. So do my constituents. I think
5 you utilize them.

6 If you were telling me we're not
7 going to utilize them anymore by putting a ban on
8 plastic bags given to you in a grocery store, I'd
9 say fine, we're going to do a pretty good job.
10 But I'm going to go out and my constituents are
11 going to go out and they're going to purchase
12 those small plastic bags. So they're just
13 backfilling the ones you say you are eliminating,
14 and they're paying more for them.

15 And if I was a company, I would be
16 very happy about that, because they're going to
17 sell a lot more plastic bags. And it may turn
18 into putting more plastic bags into the landfills
19 and into our environment.

20 So maybe the answer is to ban them
21 all. You think that might be the eventual answer
22 you're going for?

23 SENATOR KAMINSKY: Through you,
24 Mr. President. Look, that's something that we're
25 going to have to see. The bags that you are

1 talking about are of a different material, for
2 the most part. But they're also not carry-out
3 bags that end up everywhere. They're bags that
4 you put in the trash and end up in a landfill.
5 Which are not great; obviously, we're going to
6 have to look at what happens to them.

7 But the single-use bags are
8 particularly found in all types of marine
9 animals, floating in the ocean in huge amounts.
10 And that's different than the bags you're buying
11 in bulk and using in your house and putting in
12 your trash, which will go into a garbage truck
13 and end up somewhere else. I mean, that's a
14 problem, but certainly not as big a problem as
15 the single-use bags, which are doing both, ending
16 up in landfills and ending up in the trees and in
17 our streets.

18 SENATOR TEDISCO: Thank you,
19 Mr. Kaminsky.

20 On this concept and this bill.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Tedisco on the bill.

23 SENATOR TEDISCO: You know, they're
24 both single-use bags. And if some of them get
25 into the landfill now, which I'm against, it's

1 inappropriate, I think if we buy them in boxes
2 somehow many of them are going to get into
3 landfills also. Because we're going to use them
4 for the same things we use them now. And again,
5 I've never thrown it -- I don't think many people
6 just throw them out the window or leave them
7 outside, they utilize them.

8 And you may put a small dent in it,
9 I don't know, maybe 5 or 10 percent. But if
10 you're an environmentalist, you want to do some
11 serious business about keeping these bags out of
12 our oceans and out of our landfills. And I don't
13 think this particular concept or this approach is
14 going to do that holistically.

15 I thank you, Mr. President. I thank
16 you, Senator Kaminsky.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Lanza.

19 SENATOR LANZA: Thank you,
20 Mr. President. Would Senator Kaminsky yield for
21 a few questions from this old white man?

22 (Laughter.)

23 ACTING PRESIDENT BENJAMIN: Will
24 the sponsor yield?

25 SENATOR KAMINSKY: Yes.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR LANZA: Through you,
4 Mr. President. Senator Kaminsky, this bag tax,
5 what is the point here? Is it that bags are bad
6 for the climate, or is it a matter of pollution?

7 SENATOR KAMINSKY: Both.

8 SENATOR LANZA: Would the sponsor
9 continue to yield.

10 ACTING PRESIDENT BENJAMIN: Would
11 the sponsor yield?

12 SENATOR KAMINSKY: Yes.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR LANZA: So, Senator
16 Kaminsky, would you tell us how it is that
17 plastic bags affect climate?

18 SENATOR KAMINSKY: Just to
19 clarify -- through you, Mr. President -- the tax
20 that Senator Lanza was referring to before was
21 not on plastic. Is it a different option that
22 you're referring to?

23 SENATOR LANZA: The ban.

24 SENATOR KAMINSKY: I'm sorry?

25 SENATOR LANZA: The ban.

1 SENATOR KAMINSKY: How does it
2 impact climate?

3 SENATOR LANZA: Yup.

4 SENATOR KAMINSKY: Well, the
5 production of them involves climate for sure.
6 And the same is true with paper bags. It's an
7 intensive process to create a paper bag that
8 results in carbon emissions.

9 SENATOR LANZA: Would Senator
10 Kaminsky yield?

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields?

13 SENATOR KAMINSKY: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR LANZA: Through you,
17 Mr. President, I just want to understand so that
18 I can tell people back home the science involved
19 here, and I'm not sure I heard the answer. How
20 is it that the production of plastic bags affects
21 climate?

22 SENATOR KAMINSKY: Through you,
23 Mr. President, from petrochemicals.

24 SENATOR LANZA: Would Senator
25 Kaminsky yield?

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR KAMINSKY: Yes.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR LANZA: Through you,
7 Mr. President, that doesn't explain how plastic
8 bags, the production or the use or the disposal,
9 affects climate. I'm trying to understand how it
10 affects climate.

11 SENATOR KAMINSKY: Okay, so --
12 through you, Mr. President -- petroleum is
13 extracted from the earth, used and mixed with
14 chemicals, and those chemicals are used to create
15 the thin-film plastic bags that we get in a
16 grocery store.

17 SENATOR LANZA: Would Senator
18 Kaminsky yield?

19 ACTING PRESIDENT BENJAMIN: Will
20 the sponsor yield?

21 SENATOR KAMINSKY: Yes.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR LANZA: Through you,
25 Mr. President. Senator Kaminsky, the argument I

1 thought that was being advanced by your side of
2 the aisle was that when the plastic bags are
3 disposed of, somehow the fossil fuel that is
4 there is released into the environment, and it is
5 that which affects climate. Is that your
6 understanding or is that your contention?

7 SENATOR KAMINSKY: Through you,
8 Mr. President, to Senator Lanza. I mean, that
9 creates a different issue, which is it breaks
10 down into different chemicals that can get into
11 the water supply and that people shouldn't want
12 to ingest or have in their bodies or in their
13 environment. But the production of plastic bags
14 certainly contributes to global warming, because
15 it's a carbon-intensive process in terms of
16 making them and relies on fossil fuels in order
17 to do so.

18 SENATOR LANZA: Would Senator
19 Kaminsky yield?

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR KAMINSKY: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR LANZA: Senator Kaminsky,

1 it was my belief that taking fossil fuel -- so if
2 the argument is that when fossil fuel is either
3 burned or it breaks down into its component
4 substances, that it creates carbon, gas that is
5 released into the environment contributes to what
6 is known as the greenhouse effect, and it is that
7 process which affects, the argument goes, the
8 climate.

9 I've also heard that the argument is
10 about pollution, which is that the plastic bags,
11 which is really taking fossil fuel, locking it up
12 into this substance we call plastic, that they
13 last for thousands of years in the landfills, and
14 really that's the problem. It's in this blight,
15 it's this pollution.

16 So, Senator Kaminsky, how could both
17 be true? If it takes thousands of years for the
18 fossil fuel in that plastic bag to ultimately be
19 released once again into the environment, how is
20 that affecting climate?

21 SENATOR KAMINSKY: So through you,
22 Mr. President, I don't know what you mean by "so
23 the argument goes," but that's science. When
24 you're burning the carbon, it warms the planet,
25 and that's global warming, and that happens,

1 full stop.

2 What happens when bags go into the
3 landfill are they break down over a long time and
4 the chemicals that are in them leech into the
5 soil, get into the water supply, and can prove
6 harmful to humans. It also obviously takes up a
7 lot of landfill space, which is not something we
8 want for our planet as well.

9 And we're not even talking about the
10 pollution where just people don't do the right
11 thing with bags and they're just flying all over
12 the place.

13 So I didn't mean to reduce this to
14 any one thing or any -- I just think overall,
15 whether it's in its production, in its pollution,
16 in its -- you know, in its problems in terms of
17 what it means for our water, they're overall a
18 scourge, and that's why the task force
19 recommended banning them, and that's what this
20 legislation follows up on.

21 ACTING PRESIDENT BENJAMIN: Would
22 Senator Kaminsky yield?

23 ACTING PRESIDENT BENJAMIN: Will
24 the sponsor yield?

25 SENATOR KAMINSKY: Yes.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR LANZA: Through you,
4 Mr. President. "So the argument goes," that's
5 just a description of the argument that is being
6 made. It is not qualitative or a comment about
7 the argument itself. It's just using the English
8 language.

9 But, Senator Kaminsky, because this
10 is important, this is important to the present,
11 to the future, the issue of climate change. And,
12 you know, I was taught that the climate has never
13 stayed the same. I mean, we have records that go
14 back thousands of years, what we can learn from
15 the geologic record, that climate has never
16 stayed the same.

17 But it is an important question to
18 understand whether or not we're affecting that
19 process and how we are.

20 So if the issue is carbon as well as
21 the other greenhouse gases -- the most potent of
22 which, by the way, is water vapor -- what is the
23 perfect amount of carbon dioxide that there
24 should be in the environment?

25 SENATOR KAMINSKY: Through you,

1 Mr. President. You know, later on in this
2 session we're going to be having comprehensive
3 climate legislation that's going to be, you know,
4 hitting right at all of the human emissions that
5 our state and our country creates, and I'll
6 certainly have more facts and figures about
7 climate then.

8 But this bill is not primarily one
9 about climate, although it certainly impacts it.
10 This is certainly one about all the plastic that
11 we're finding in our environment.

12 But I have no problem standing here
13 and arguing that whatever we've done since the
14 Industrial Revolution to today, we've certainly
15 been warming our planet. We're doing it every
16 day with the emissions that we create through our
17 vehicles, through our buildings, through our
18 electric sector. And it's something that we have
19 to tackle head-on, or we're going to have a
20 serious problem as a civilization very soon. And
21 that's something we have to get very serious
22 about. Certainly not through plastic bag
23 legislation, but I have no problem arguing that
24 that's part of this.

25 SENATOR LANZA: Would Senator

1 Kaminsky yield?

2 ACTING PRESIDENT BENJAMIN: Does
3 the Senator yield?

4 SENATOR KAMINSKY: Yes.

5 ACTING PRESIDENT BENJAMIN: The
6 Senator yields.

7 SENATOR LANZA: My good friend
8 Senator Kaminsky is right, we'll get back to that
9 discussion at a later time.

10 Senator Kaminsky, in terms of the
11 pollution aspect of this, we see the bags all
12 over. I agree it's a problem. But as my
13 colleagues have pointed out, this is not really a
14 ban on plastic bags. So how is it -- do you
15 really believe that a year from now we're going
16 to see fewer plastic bags polluting our landfills
17 and our roadsides?

18 SENATOR KAMINSKY: Through you,
19 Mr. President. So to be specific, we won't
20 because the effective date is not till 2020. But
21 whenever -- you mean a year after the date it
22 takes place? I do.

23 And I think if you look at what's
24 happened in Suffolk County, they've seen a
25 staggering reduction in the amount of plastic

1 bags that they normally would see after they
2 instituted their 5-cent fee. A billion fewer
3 bags is what they've reported.

4 And I can just tell you anecdotally
5 from -- this is certainly not scientific, but
6 when I go through Stop & Shop in Long Beach on my
7 weekly trip, people just carry around their
8 reusable bags. Family members who I can tell you
9 never mentioned the environment to me one day in
10 their life, just keep them in their car, bottom
11 of a pocketbook, whatever.

12 So I think that it will seem -- it
13 may seem like an onerous change at first. I
14 think looking back a year from whenever this
15 takes place, no one will be thinking twice
16 about -- once they have their reusable bag, about
17 what it means to carry one and what they're doing
18 to positively impact their planet.

19 SENATOR LANZA: Mr. President,
20 would Senator Kaminsky yield?

21 SENATOR KAMINSKY: Yes.

22 ACTING PRESIDENT BENJAMIN: Does
23 the sponsor -- the sponsor yields.

24 SENATOR LANZA: Senator Kaminsky,
25 under this legislation can supermarkets hand out

1 cardboard boxes for customers to use?

2 SENATOR KAMINSKY: Through you,
3 Mr. President, yes.

4 SENATOR LANZA: Would Senator
5 Kaminsky yield?

6 SENATOR KAMINSKY: Yes.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield? The sponsor yields.

9 SENATOR LANZA: Through you,
10 Mr. President. Senator Kaminsky, would
11 supermarkets be allowed to hand out wooden boxes
12 for people to use to carry their groceries out?

13 SENATOR KAMINSKY: Through you,
14 Mr. President, a supermarket could hand out any
15 box it would like, any type. I guess unless it's
16 made out of plastic, single-use plastic bags.

17 SENATOR LANZA: Would Senator
18 Kaminsky yield?

19 ACTING PRESIDENT BENJAMIN: Will
20 the sponsor yield?

21 SENATOR KAMINSKY: Yes.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR LANZA: Through you,
25 Mr. President. So Senator Kaminsky, we know most

1 of these things go --

2 ACTING PRESIDENT BENJAMIN: Senator
3 Lanza, please direct -- you have to direct the
4 question through me, so --

5 SENATOR LANZA: I said through you,
6 Mr. President.

7 ACTING PRESIDENT BENJAMIN: Right.
8 But you don't direct the question to Senator
9 Kaminsky, you say "Is the sponsor saying," just
10 to give you --

11 SENATOR LANZA: Is that -- is
12 that -- Mr. President, is that a new rule?

13 ACTING PRESIDENT BENJAMIN: No,
14 it's not.

15 SENATOR LANZA: It's not.

16 ACTING PRESIDENT BENJAMIN: So you
17 say "Through you, Mr. President, is the sponsor
18 saying." As opposed to saying it direct to
19 Senator Kaminsky.

20 SENATOR GRIFFO: Mr. President.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Griffo.

23 SENATOR GRIFFO: Senator Lanza has
24 the floor. He did request, through you, the
25 sponsor to yield.

1 ACTING PRESIDENT BENJAMIN:

2 Correct, he did do that.

3 SENATOR GRIFFO: So what is the
4 issue, Mr. President?

5 ACTING PRESIDENT BENJAMIN: The
6 issue is that when he says to Senator -- he says
7 "Senator Kaminsky," what he should say is
8 "Through you, Mr. President, is the sponsor
9 saying." So he's not directing his question
10 specifically to the Senator, he's directing it
11 through the chair.

12 SENATOR GRIFFO: Okay, thank you,
13 Mr. President. Through the president.

14 SENATOR LANZA: Through you,
15 Mr. President. So I've been here a long time.
16 If I might step out of this discussion for a
17 moment, I've heard us call each other by name for
18 a long time. I thought that was respectful. I
19 thought that was the right thing to do. If this
20 all of a sudden is an issue, that we shouldn't
21 refer to each other by our names, I think -- I
22 think that we're --

23 ACTING PRESIDENT BENJAMIN: Senator
24 Gianaris.

25 SENATOR GIANARIS: Mr. President,

1 we have a long day ahead of us. I think Senator
2 Lanza is acting respectfully and appropriately.
3 Let's --

4 SENATOR LANZA: I think he's just
5 violated your rule, Mr. President.

6 (Laughter.)

7 SENATOR GIANARIS: Let's just --

8 ACTING PRESIDENT BENJAMIN: Senator
9 Gianaris, why do you rise?

10 (Laughter.)

11 SENATOR GIANARIS: Let's just do
12 our best to get through this as best we can. I
13 thank Senator Lanza for the way he's handling
14 himself, and Senator Kaminsky as well. Let's
15 just try and move forward if we can, please.
16 Thank you.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Lanza, proceed as you wish.

19 SENATOR LANZA: Through you,
20 Mr. President. Would the sponsor tell us, given
21 the answers to the last few questions concerning
22 the fact that supermarkets can hand out any
23 manner of container as long as they're not
24 plastic, whether or not those options and others
25 that we can think about are better for the

1 environment and better for the issue as it
2 relates to pollution?

3 SENATOR KAMINSKY: Through you,
4 Mr. President. I think -- with all due respect,
5 I don't think there will be a lot of boxes being
6 handed out by supermarkets to people. I think
7 we're going to be in a situation where a county
8 is going to either institute a fee or not. I
9 think a lot of people are going to move over to
10 reusable bags. And if a county wants to
11 institute -- or if a county is silent, a
12 locality, on paper bags, hopefully that will
13 drive behavior toward having a reusable bag.

14 So we can think of all manner of
15 hypotheticals about people carrying stuff in
16 hollowed-out coconuts or big crates of some kind.
17 I don't think that's going to be the normal
18 course of business. I think people are going to
19 have to choose between paper and reusable, and I
20 hope they use reusable. That's certainly what I
21 expect.

22 SENATOR LANZA: Mr. President, on
23 the bill.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Lanza on the bill.

1 SENATOR LANZA: Thank you,
2 Mr. President.

3 Thank you, Senator Kaminsky, the
4 sponsor of the bill.

5 You know, sometimes I think we are
6 too far removed from the people that we represent
7 and the lives they live in the districts. And we
8 sometimes think that they're just not smart
9 enough to understand what's happening. Well, I
10 can tell you people are smart enough, and they do
11 get it.

12 And while I truly believe that the
13 motive here, especially when it comes to Senator
14 Kaminsky, is about changing behavior -- I think
15 he believes that there is a threat here. But I
16 also think that there are two sides to the
17 argument here. And sometimes you pass
18 legislation that can end up putting you in a
19 position that's even worse than the one before.

20 I recall as a young person, as a
21 young white boy, that when my mom shopped at the
22 supermarkets, we had paper bags. And they
23 ripped, they weren't all that convenient, you
24 couldn't put as many in the car.

25 And there were these

1 environmentalists, so-called, that came out and
2 said that these were destroying the environment.
3 And their solution, their answer to all of us was
4 plastic bags. The same people that we now seek
5 environmental advice and expertise from now were
6 the people who said plastic bags will be better
7 for all of us.

8 Maybe they were right, maybe they
9 were wrong. But the bottom line is it comes down
10 to what we're doing to help the people we
11 represent, not what we're doing to penalize them.
12 Not treating them like they're not smart enough
13 to go about their own lives, that we need to
14 micromanage and socially engineer everything they
15 do.

16 As it's been pointed out, there are
17 going to be just as many bags out there as there
18 are now. This legislation doesn't prevent me or
19 any person back home from going down the aisle
20 where they sell the plastic bags in the
21 supermarket and buying as many as they want --
22 hundreds, thousands. They might want to start
23 storing up now. And the reason they do that is
24 not because they don't like the environment, it's
25 because they're looking for convenience. They're

1 looking to be able to provide for their families
2 in the most -- in the least expensive way, the
3 most efficient way.

4 I can tell you, whether it's a year
5 from now or whenever this legislation takes
6 effect, there are going to be just as many bags
7 out there. And people know that. And they know
8 this is not about the environment. They know
9 it's a sham.

10 You know, Mr. President, I was going
11 to a baseball game with my son, we had to drive
12 from Staten Island to parts north. We drove
13 through the Belt Parkway, through Brooklyn,
14 Queens, and we kept going. And I can tell you,
15 at the side of the road there were a lot of
16 plastic bags. But I'll tell you what else there
17 was. There was every kind of construction
18 debris, concrete, cups, bottles, plastic bottles,
19 electronics -- there were televisions and there
20 were radios.

21 You know, I really took note as I
22 drove what there was at the side of the road. If
23 I had picked up every car part that I saw from
24 the beginning of my trip to the end of my trip on
25 the Belt Parkway especially, at the end of the

1 day I could have assembled an automobile.

2 And, you know, those bags and all
3 that other pollution didn't get there by itself.
4 It got there, quite frankly and sadly, because
5 some slob threw it there.

6 You know, if this is about
7 pollution, which it is -- and I agree -- we pay a
8 lot of money for sanitation services. Maybe the
9 better argument is to hire more sanitation
10 workers that can go out there and actually pick
11 up all this garbage. Because even if this had
12 the effect that is being alleged it will, that
13 there will be fewer plastic bags, there's still
14 going to be a lot of pollution out there because
15 this does nothing, nothing, to dissuade anyone
16 from throwing garbage out from their car window
17 or from wherever.

18 What this really is is this is just
19 another piece of legislation that allows some
20 politician to check a box next to a category,
21 whether it be environment or anything else, that
22 really doesn't do anything with regard to that
23 category.

24 The most effective thing about this,
25 and really what I think to be the true goal, is

1 that it's going to collect a lot of money from
2 people. It's going to pick their pockets once
3 again. It seems that all government wants to do
4 this day is analyze what people do in their lives
5 and figure out how many junctures there are in
6 their lives, how many transactions they make, and
7 to use that as an opportunity to take their
8 money.

9 You know, I think of the single mom
10 who's trying to struggle to support the family.
11 She's in the supermarket, she's pinching pennies,
12 she's using coupons, she wants to get in and out
13 of there as quickly as possible, get home to her
14 family, save as much as money as possible. And
15 now all of a sudden someone's going to tell her
16 that somehow she's got to juggle her groceries,
17 keep them in midair as she makes it to the car,
18 that she can't have a bag to put those groceries
19 in.

20 It's absurd. It really is
21 ridiculous. You can't even have a paper bag now.
22 You can have it, but we're going to charge you.
23 In fact, this legislation is pretty shrewd in
24 that what it really does is it ensures that
25 there's no free way to get your groceries out

1 from the grocery store to your car. And I think
2 that highlights the motive and the motivation of
3 this legislation.

4 You know, when we do a budget, when
5 we do legislation, to me the goal at every step
6 of the way should be how have we made the lives
7 of people back home better? How have we made it
8 easier for our constituents to live their lives?

9 You know, I'm going to point out a
10 number of areas in the budget which fail in that
11 regard, but simply this is -- but surely this is
12 one of them. I don't know anybody back home
13 that's come to me and said, hey, would you please
14 charge me for paper bags? Would you please ban
15 plastic bags?

16 Oh, and by the way, this is all well
17 and good, but we're supposed to be so smart about
18 how we help the people back home -- where's the
19 alternative? You know, I hear these used bags --
20 but people are going to get charged for them as
21 well. So it seems like we don't want people to
22 use them.

23 You know, I've heard of a lot of
24 innovation in terms of bags that are made from
25 things that decompose -- they look like plastic,

1 but they're not actually plastic in the
2 conventional sense, having come from fossil
3 fuel -- that would actually break down and would
4 not contribute to climate issues, would not
5 contribute to pollution.

6 You know, that's too hard to talk
7 about. And in fact, that would prevent us from
8 our real goal, which is to take money from people
9 simply because they're trying to put food on
10 their table.

11 So, you know, I'm obviously a no
12 here. I wish we would stop looking at the people
13 back home as cash registers. I wish we would
14 stop looking at the people back home and thinking
15 and believing that they just can't do things
16 right and we've got to force them to do things
17 differently. I really wish we would come up
18 here, get together, put our heads together, roll
19 up our sleeves and figure out how to make life
20 better for people, not worse.

21 I vote no, Mr. President.

22 ACTING PRESIDENT BENJAMIN: Senator
23 Gallivan.

24 SENATOR GALLIVAN: Thank you,
25 Mr. President.

1 I have several questions about
2 Part L of this legislation. Would the
3 appropriate member be able to answer questions?
4 It deals with regulating servicers of student
5 loans.

6 SENATOR GIANARIS: Mr. President,
7 can you call on Senator Thomas to answer those
8 questions, please.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Thomas, do you yield for questions?

11 SENATOR THOMAS: Yes.

12 ACTING PRESIDENT BENJAMIN: The
13 Senator yields.

14 SENATOR GALLIVAN: Mr. President,
15 am I able to look at Senator Thomas?

16 (Laughter.)

17 SENATOR THOMAS: Yes, please look
18 at me.

19 (Laughter.)

20 SENATOR GALLIVAN: I'm sorry.

21 Through you, Mr. President, could
22 Senator Thomas explain the purpose of this?

23 SENATOR THOMAS: Through you,
24 Mr. President, this is simply to protect student
25 loan borrowers. We have 2.3 million borrowers in

1 New York State with about \$80 billion in debt.
2 And the Department of Education has not been
3 holding student loan servicers accountable. It's
4 an unregulated industry. And this would give DFS
5 oversight into regulating and licensing federal
6 student servicers as well as private student loan
7 servicers.

8 SENATOR GALLIVAN: Would the
9 sponsor continue to yield?

10 ACTING PRESIDENT BENJAMIN: Will
11 the sponsor yield?

12 SENATOR THOMAS: Yes.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR GALLIVAN: Do I understand
16 correctly that these student loan servicers do so
17 through a contract that they have with the
18 federal government?

19 SENATOR THOMAS: Through you,
20 Mr. President, yes.

21 SENATOR GALLIVAN: Will the sponsor
22 continue to yield?

23 ACTING PRESIDENT BENJAMIN: Does
24 the sponsor yield?

25 SENATOR THOMAS: Yes.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR GALLIVAN: And does the
4 federal government have rules or regulations that
5 they either do or that they are supposed to
6 monitor?

7 SENATOR THOMAS: Can you repeat
8 that question?

9 SENATOR GALLIVAN: Through you,
10 Mr. President, so these contracts -- these
11 businesses, the student loan servicers, have a
12 contract with the federal government that I
13 presume have many provisions of a contract and
14 things that they have to follow. My question is,
15 does the sponsor know that to be true? And does
16 the federal government have responsibility for
17 monitoring these things?

18 SENATOR THOMAS: The federal
19 government does have responsibility to monitor
20 these things. But in addition, that contract
21 between the Education Department and the
22 servicers basically says that they have to follow
23 both the federal laws and the state laws.

24 SENATOR GALLIVAN: It's my
25 understanding that --

1 ACTING PRESIDENT BENJAMIN: Senator
2 Gallivan, are you on the bill or asking a
3 question?

4 SENATOR GALLIVAN: Yeah, I was
5 going to get to that part.

6 (Laughter.)

7 SENATOR GALLIVAN: Would the
8 sponsor continue to yield?

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR THOMAS: Yes.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR GALLIVAN: It's my
15 understanding that state regulation of federally
16 contracted student loan servicers in this case
17 and others, is expressly federally preempted and
18 prohibited under the Code of Federal Regulations.
19 Is the sponsor aware of that, and does he have
20 the same understanding that I do?

21 SENATOR THOMAS: Through you,
22 Mr. President, that is incorrect. There is no
23 express preemption for a state to regulate a
24 federal student loan servicer.

25 SENATOR GALLIVAN: Through you,

1 Mr. President, I actually thought that I read
2 that. I may have to come back later in the day
3 with the specific citation. But I believe that
4 there is that prohibition that this area is
5 specifically preempted.

6 But through you, Mr. President,
7 would the sponsor continue to yield?

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR THOMAS: Yes.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR GALLIVAN: Is the sponsor
14 aware that there has been similar legislation
15 from other states that has been struck down in
16 federal courts in the District of Columbia?

17 SENATOR THOMAS: Through you,
18 Mr. President, yes, I am aware, but it's not
19 binding on New York.

20 SENATOR GALLIVAN: I'm sorry, I
21 didn't hear the final part.

22 SENATOR THOMAS: It is not binding
23 on New York.

24 SENATOR GALLIVAN: On the bill,
25 Mr. President.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Gallivan on the bill.

3 SENATOR GALLIVAN: First I'd like
4 to thank Senator Thomas for his responses.

5 And take a look at New York State,
6 and we know that New York is very costly to do
7 business. Of course we have among the highest
8 taxes in the country and we're among the most
9 highly regulated. But I'm fully aware and fully
10 understand that regulations in many cases are
11 necessary to ensure that things are done
12 properly, people are safe, consumers are
13 protected.

14 In many cases, though, we have
15 regulations at the state level that duplicate
16 things being done at the federal level. Banking
17 is one particular area; agriculture, use of
18 pesticides, for example, is another.

19 It's my understanding, and I fully
20 respect the Senator and his thought -- though he
21 doesn't agree with me on this, my understanding
22 is that this is federally preempted -- I'll put
23 it in different words for me -- which means
24 New York can't lawfully be doing it.

25 We've seen some court decisions that

1 have struck down similar laws. The businesses
2 have made it clear that they're going to
3 challenge this. If it's enacted in New York
4 State, they'll challenge it in federal court, and
5 it's my belief that they will likely win.

6 For the short period of time -- if
7 that is true, we're going to be making business
8 more expensive and costly in New York State,
9 we're going to face the likely loss of jobs in my
10 district and in other members' districts where I
11 know that some of this business is being
12 conducted. And unfortunately, while I agree with
13 the sponsor that there are people out there that
14 are doing things in an unscrupulous manner, all
15 our efforts will go for naught because it will be
16 struck down. And in the end, we won't be
17 protecting one consumer.

18 And we go one step further: For
19 many people in my district who are going to lose
20 jobs as a result of businesses shutting down or
21 going elsewhere. Because of the higher cost of
22 doing business, their kids will be less likely to
23 go to college and less likely to be able to
24 afford college, and we won't have accomplished
25 anything other than -- don't really love the

1 cliches about New York open for business or
2 closed for business, but more regulations, more
3 costs, without good, will close the door on
4 business.

5 And I do thank the sponsor, and I'll
6 be voting no on this legislation.

7 ACTING PRESIDENT BENJAMIN: Senator
8 O'Mara.

9 SENATOR O'MARA: Covered.

10 ACTING PRESIDENT BENJAMIN: Okay.

11 Are there any other Senators wishing
12 to be heard? Seeing and hearing none, debate is
13 closed.

14 The Secretary will ring the bell.

15 Read the last section.

16 THE SECRETARY: Section 3. This
17 act shall take effect immediately provided,
18 however, that the applicable effective date of
19 Parts A through UU of this act shall be as
20 specifically set forth in the last section of
21 such parts.

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN: Senator

1 Kaminsky to explain his vote.

2 SENATOR KAMINSKY: Thank you very
3 much, Mr. President.

4 A part of this section of the budget
5 contains a historic law that we should all be
6 quite proud of that's going to create our state's
7 first food waste program. Right now, every year,
8 tons and tons of food waste ends up in our
9 landfills instead of going to the hungry or being
10 turned into clean energy, like it can be if
11 brought to an anaerobic digester.

12 So for the first time our state, for
13 large food producers, is going to have a program
14 whereby their food is either, if it's edible,
15 going to be given to a food pantry for those in
16 need, and for the food that is inedible, and if
17 there's over 2 tons of it per week, taken to an
18 anaerobic digester so it can be converted into
19 clean energy instead of breaking down in our
20 landfills.

21 This is a historic step that I'm
22 really proud of. Our state should be proud of
23 it. There's just too much waste out there, and
24 we need to do something about this. And we all
25 need clean energy. Our state's needs are going

1 to be tremendous. This will deal with that also.

2 And with respect to plastic bags,
3 you know, I have no compunction whatsoever saying
4 that this is an important step. For years, while
5 we've been going round and round on this,
6 pollution has just been piling up in our state,
7 ending up in the stomachs of the marine animals
8 that we find, on our beaches, in our trees, in
9 our landfills. And we've done nothing.

10 So today, to be banning plastic bags
11 and having localities make a decision about paper
12 makes sense. My friends on the other side of the
13 aisle always talk about giving localities
14 options, about having the elected officials
15 closest to the people be in touch with what their
16 community needs. That's what this will do. And
17 I expect communities will do what they think is
18 appropriate to make sure that people are using
19 reusable bags.

20 We're going to look back on this
21 debate in a few years and think it's silly that
22 we even had to debate and wring our hands about
23 how hard it is for people to get reusable bags.
24 New Yorkers are smart, they're versatile, they'll
25 use reusable bags, and our environment in

1 New York will be for the better.

2 I emphatically vote aye on this
3 budget bill. We're doing good things for our
4 environment in it. We should all be proud.
5 Thank you.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Kaminsky to be recorded in the affirmative.

8 Senator Thomas to explain his vote.

9 SENATOR THOMAS: Thank you,
10 Mr. President.

11 I rise in support of Part L of this
12 bill. We have a student loan crisis in this
13 country. We have millions of individuals who owe
14 more than \$1 trillion in student loan debt. Here
15 in New York, more than 2 million borrowers owe
16 close to \$80 billion, and it's growing.

17 When the federal government enters
18 into a contract with these servicers, they have a
19 duty to hold these servicers accountable when
20 complaints are filed and when borrowers are
21 basically paying more than they should in
22 interest and other fees. And that's what this
23 bill would do.

24 This would provide oversight by DFS
25 to make sure these student loan servicers do what

1 they are supposed to do, which is service loans
2 and making sure the borrower is directed to the
3 right repayment program, not to pay more interest
4 than they should. That's what this bill is
5 trying to do. The intention of this bill is to
6 make sure the borrower is not harmed and that
7 there is oversight.

8 This isn't about losing jobs.
9 Student loan servicing companies that are here in
10 New York should not fear jobs being lost because
11 of this bill. Because if they don't do anything
12 wrong, they won't lose their jobs. That's the
13 whole thing here. And there is no federal
14 preemption blocking New York from doing this.

15 This is all about the student
16 borrower. They are vulnerable, and this bill
17 closes that loophole. And I am proud to vote aye
18 on this.

19 Thank you.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Thomas to be recorded in the affirmative.

22 Senator May to explain her vote.

23 SENATOR MAY: Thank you,
24 Mr. President.

25 It's been interesting to me to

1 listen to the arguments against the plastic bag
2 bill, because they were primarily premised on the
3 idea that plastic bags are free and we don't want
4 to lose this free service from our grocery
5 stores.

6 But the reality is that plastic
7 bags are not free. They're not free to the
8 stores themselves, which give them out as a
9 courtesy. But if you go to some of the
10 lower-cost grocery stores like PriceRite and
11 Aldi, they do not provide bags. It's one of the
12 ways they keep their prices low.

13 But more than that, these plastic
14 bags are not free to us as a society. They're
15 not free when they cause pollution, when they
16 cause plastic pollution in the water, when they
17 cause litter, when they load our landfills and
18 our incinerators and we have to truck more and
19 more truckloads of them to the waste processing
20 facilities.

21 They're not free to taxpayers. When
22 I was on the board of the Onondaga County
23 Resource Recovery Agency, I visited the recycling
24 facility, and every few hours at that facility
25 they had to shut down the entire gigantic line

1 that processed the recyclables because people had
2 erroneously put plastic bags into their recycling
3 bins and they gummed up the works. They got
4 wrapped around all of the chains and everything,
5 and they had to go and pull them all off. It was
6 very expensive to clean these facilities of
7 plastic bags. And we as taxpayers were paying
8 for those slowdowns in the recycling facility.

9 So plastic bags are not free. Many
10 of them are printed with little smiley faces on
11 them, but they also do not make us happier.

12 (Laughter.)

13 SENATOR MAY: We will be -- I agree
14 with Senator Kaminsky that over time, once we get
15 used to this, we will be actually better off and
16 happier for not having this scourge in our lives.

17 I also want to echo his words about
18 the food waste portion of this bill. The other
19 thing I did on that -- on our waste management
20 agency was to champion a food waste composting
21 facility that is a state-of-the-art facility in
22 our region. And it is a wonderful thing that
23 people can send their food waste to that facility
24 and have it turned into usable compost that is
25 now sold at Wegmans and other stores in our area,

1 so that it has become a circular economy where we
2 are turning what used to be just waste into
3 something productive and useful.

4 So both of these aspects of this
5 bill are part of a smarter, wiser, longer-term
6 approach to the economy that I think is exactly
7 the kind of thing we should be supporting. And I
8 am proud to vote aye.

9 Thank you.

10 ACTING PRESIDENT BENJAMIN: Senator
11 May to be recorded in the affirmative.

12 I'd like to remind all of us that we
13 have a very long day ahead of us, so please try
14 to keep your remarks to around two minutes.
15 Thank you.

16 Senator Metzger to explain her vote.

17 SENATOR METZGER: Thank you,
18 Mr. President.

19 This budget bill includes several
20 very important initiatives that will greatly
21 reduce waste, protect our environment, and
22 mitigate climate change.

23 Food waste is a huge issue in this
24 country. It's a major contributor to climate
25 change, accounting -- globally, it accounts for

1 about 8 percent of our greenhouse gas emissions.
2 It's also a moral issue. We're throwing away
3 mountains of food when we have fellow New Yorkers
4 that don't have enough to eat, many of them
5 children. So this bill addresses both of those
6 important issues, and I'm very pleased it's
7 included.

8 The plastic bag ban, this is also --
9 it's a pollution issue, but it is a climate issue
10 too. To Senator Lanza's point about the
11 relationship between climate and plastic bags,
12 the petrochemical industry is the third-largest
13 emitter of greenhouse gas emissions, and the
14 increase in those emissions is from the
15 production of plastics.

16 Plastic bags are something we can do
17 without. They are not a necessity. It's a
18 matter of changing habits, that's all it is.
19 I've been doing it for years, bringing my own
20 bags; it's not a lot to ask. And we can't stop
21 with plastic bags, but we can start there.

22 Finally, this bill provides a means
23 of really accelerating the shift to a clean
24 energy economy in New York by empowering NYPA in
25 several important areas, including expanding EV

1 charging stations statewide. This is a really
2 important foundational investment to help us
3 shift to electric vehicles and reduce our
4 greenhouse gas emissions from transportation.

5 Also allowing NYPA to finance and
6 construct transmission to support offshore wind
7 development, that's going to reduce the cost and
8 risks of those projects, and that is incredibly
9 important to getting us off of fossil fuels and
10 achieving real energy independence.

11 And finally allowing NYPA to procure
12 energy to finance renewable energy projects and
13 to help community energy programs support local
14 renewable energy. This is something that I have
15 been fighting for for years, to get community
16 energy programs to actually support local
17 renewable energy investments. So I'm so pleased
18 to see it as part of this budget bill.

19 Thank you very much.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Metzger to be recorded in the affirmative.

22 Senator Jackson to explain his vote.

23 SENATOR JACKSON: Thank you,
24 Mr. President and my colleagues.

25 I rise in support of these bills,

1 especially Part H, which is the plastic bag bill;
2 part L, the student loan servicers bill; and Part
3 SS, the food waste bill.

4 Let me just say that in looking at
5 the information regarding plastic bags, all of
6 the fees that are collected as a result of that,
7 60 percent will be going to the Environmental
8 Protection Fund to improve our environment. I
9 would assume all of us want that. And then
10 40 percent will fund -- in order to mitigate the
11 impact on low- and fixed-income communities, and
12 that's a good thing. So I support that.

13 And as far as the student loan
14 servicers, to ensure that the borrowers are
15 protected -- I have three daughters, and they are
16 now 43, 38 and 32, and they're still paying
17 loans. One from college, who's 32. One that's
18 38, went to the University of Buffalo undergrad
19 and grad, still paying loans. And one who went
20 to medical school is still paying loans. And I
21 want them to be protected by law.

22 And what my colleague Kevin Thomas
23 of Long Island talked about is that we must
24 protect them against those employers and those
25 that are giving out the loans and not

1 communicating and educating them and telling them
2 what their rights are. We must protect them.
3 And I say we must protect them even if they file
4 a lawsuit and we have to litigate it in order in
5 order for them to win on behalf of the millions
6 of borrowers in this country. That's what we
7 have to do, and that's what our people expect us
8 to do.

9 So, Mr. President, I vote in favor
10 of all of these bills in front of us, and I hope
11 and pray that we will be successful in helping
12 the people of New York State.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Jackson to be recorded in the affirmative.

15 Senator Krueger to explain her vote.

16 SENATOR KRUEGER: Thank you,
17 Mr. President.

18 I think my colleagues have said it
19 so well. I really don't understand, in the year
20 2019, why we are still pretending that we don't
21 have an environmental crisis, we don't have a
22 climate change crisis. And guess what? We're
23 all going to have to change behaviors. Not just
24 plastic bags, but a lot of behaviors, because we
25 are fighting a clock and we are losing.

1 So in fact changing rules around
2 plastic bags and paper bags are pretty damn easy.
3 And I know it's easy because other states have
4 already done exactly this, and it's worked very
5 well. Counties and towns in our own state have
6 already done this, and it's working quite well.
7 Third World countries are doing this, and it's
8 working quite well.

9 Now, in addition to the pollution
10 issues and the environmental damage issues, I
11 just want to remind everyone what one thing we've
12 learned about where these plastic bags end up.
13 They end up in our oceans being eaten by fish and
14 other animals that we think we ought to be eating
15 from the sea. And we are actually poisoning
16 ourselves and our food supply system by allowing
17 these plastic bags to continue to overwhelm our
18 systems.

19 So I'm delighted to be voting yes on
20 this bill and this section. The student loan
21 issue -- you know what, if the federal government
22 or somebody decides to sue us, let's just win
23 that case in court. Because we're talking about
24 young people overpaying for their student loans
25 that will haunt them forever and ever because

1 businesses -- some businesses think it's fine to
2 exploit the lack of information they have to give
3 these young people. And that should never be
4 allowed.

5 So if somebody wants to sue, go
6 ahead. Let's see if we can win in court. I'm
7 quite sure we can.

8 And on the food waste issue, that is
9 also another no-brainer that has taken too long.

10 So there are important parts of this
11 bill today, and I'm very proud to be voting yes.

12 Thank you, Mr. President.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Krueger to be recorded in the affirmative.

15 Senator Hoylman to explain his vote.

16 SENATOR HOYLMAN: Thank you,
17 Mr. President.

18 I wanted to thank my colleagues, in
19 particular Senator Kennedy {sic} for getting this
20 bill onto the floor and passing our plastic bag
21 ban. You know, because of this legislation,
22 Senator Kaminsky, Earth Day comes early for
23 New York State, and I'm very proud to be part of
24 that.

25 You know, we waste about 10 billion

1 plastic single-use bags alone in New York City,
2 and a trillion a year worldwide. So we are
3 taking a very positive step forward here with
4 this legislation.

5 And let me also make a process point
6 about this bill. I think we remember last year
7 and previous years when we considered this
8 legislation, and the lobbying and the big
9 business and the corporate interests that fought
10 and continue to fight this body from considering
11 a sensible ban and fee proposal as we're passing
12 today. So today we've not only helped the
13 environment, but we've beat back the special
14 interests, we beat back the American Chemical
15 Council, we beat back the New York State Chemical
16 Council, and we've done something for the people
17 and the environment.

18 And I vote aye. Thank you,
19 Mr. President.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Hoylman to be recorded in the affirmative.

22 Senator Ranzenhofer to explain his
23 vote.

24 SENATOR RANZENHOFER: Thank you,
25 Mr. President. I rise to explain my vote.

1 And we start off by talking about
2 changing behavior, and I was just astonished when
3 we talked about the behavior in this particular
4 house when we were talking about whether or not
5 there's a fiscal plan, and the comment was made,
6 Well, we're voting on this part of the budget, so
7 you don't need the fiscal plan, but if you were
8 voting on that bill, then you need a fiscal plan.

9 To really be debating and discussing
10 and voting on a budget without having a fiscal
11 plan in front of us I just think is ridiculous.
12 And you want to talk about changing behavior,
13 that's the very first thing we ought to change,
14 is making sure that there's a fiscal plan before
15 us before we're casting these votes.

16 I want to talk about the plastic bag
17 ban and the fee also when you talk about changing
18 behavior. You know, I believe in rewarding
19 people and not punishing them. And there are
20 other states that reward people that engage in
21 good behavior. So in other words, if you bring
22 your reusable plastic bag, your reusable paper
23 back to the grocery store, you get rewarded.
24 They say, Good job, and they take some money off
25 your grocery bill.

1 But what New York has decided to do
2 is we are going to punish people. We are going
3 to punish people that if you forget your reusable
4 bag, we're going to nail you for a nickel for
5 each bag that you use.

6 So I believe in rewarding people,
7 not punishing them. To echo a couple of comments
8 from Senator Lanza, this is going to affect
9 actually the poorest section of my district. I
10 represent affluent suburban, I represent rural,
11 and I also represent one of the poorest sections
12 in America. And I can tell you without fail that
13 this is going to penalize the folks in that
14 district, because God forbid you're running
15 around and you forget your bag, we're going to
16 nail you for that.

17 So rather than punishing people, I
18 believe in rewarding people. This punishes the
19 hardworking people in my district. I'll be
20 casting a negative vote on this particular bill.

21 Thank you, Mr. President.

22 ACTING PRESIDENT BENJAMIN: Senator
23 Ranzenhofer to be recorded in the negative.

24 Senator Gallivan to explain his
25 vote.

1 SENATOR GALLIVAN: Thank you,
2 Mr. President.

3 I'd like to explain my vote
4 specifically to Part L, the proposed regulations
5 on the student loan servicers, and I'd like to
6 quote the Federal Register, that states:
7 "Recently several states have enacted regulatory
8 regimes that impose new regulatory requirement on
9 servicers of loans." It goes on to further
10 state: "Such regulation is preempted by federal
11 law."

12 I am not suggesting that the federal
13 government is doing a good job of properly
14 regulating this industry. I'm not suggesting
15 that there are not abuses going on. There are.
16 And just like my colleague the great basketball
17 player -- and I'm thrilled to play basketball
18 with Senator Jackson -- my kids have student
19 loans, significant ones, and it's really
20 outrageous what they pay and how they're starting
21 their adult life.

22 I'm voting no on this. I believe
23 that we do not have the legal authority to do
24 this. The courts have upheld it. It will be
25 upheld again. And rather than doing anything at

1 all, we're costing taxpayers money in this
2 regard.

3 For us, what can we do? I don't
4 know, but perhaps a hotline that can come in
5 here, we can call attention to it and demand that
6 the federal government does something about it or
7 provide referrals to the appropriate regulatory
8 agencies.

9 But in my view, we don't have the
10 authority. I vote no.

11 ACTING PRESIDENT BENJAMIN: Senator
12 Gallivan to be recorded in the negative.

13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar Number 360, those Senators voting in the
16 negative are Senator Akshar, Amedore, Antonacci,
17 Boyle, Flanagan, Funke, Gallivan, Griffo,
18 Helming, Jacobs, Jordan, Lanza, LaValle, Little,
19 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
20 Serino, Seward and Tedisco.

21 Absent from voting: Senator Felder.

22 Ayes, 39. Nays, 22.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 Senator Gianaris.

1 SENATOR GIANARIS: Mr. President,
2 let me remind our colleagues once again that we
3 do expect to believe here for many, many hours
4 today. And so I would implore all my colleagues,
5 when explaining your votes, try and keep to the
6 two-minute limit as best you can. And stay in
7 and around the chamber, because every minute
8 we're chasing you down is a minute we're delaying
9 passage of the budget.

10 If we can please now go back to
11 motions and resolutions and take up
12 Resolution 930, by Senator Sepúlveda.

13 ACTING PRESIDENT BENJAMIN: We will
14 return to motions and resolutions.

15 The Secretary will read.

16 THE SECRETARY: Senate Resolution
17 930, by Senator Sepúlveda, Concurrent Resolution
18 of the Senate and Assembly opposing the enactment
19 of a state law, pursuant to a federal mandate, to
20 require the suspension or revocation of the
21 driver's license of any individual convicted of
22 any violation of the federal Controlled
23 Substances Act or another drug law, regardless of
24 whether the offense is related to the operation
25 of a motor vehicle.

1 SENATOR GRIFFO: Mr. President,
2 would you please recognize Senator Ortt on the
3 resolution.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Ortt on the resolution.

6 SENATOR ORTT: Thank you,
7 Mr. President. Would the sponsor of the
8 resolution yield to a couple of questions?

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR SEPÚLVEDA: Through you,
12 yes.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR ORTT: Through you,
16 Mr. President, if the sponsor can tell me what
17 the purpose of this resolution is.

18 SENATOR SEPÚLVEDA: Through you,
19 Mr. President, back in the 1990s during the
20 height of fearmongering that led to the 1990
21 omnibus criminal justice law, an amendment was
22 passed called the Solomon-Lautenberg Amendment
23 that indicated that if you are caught and you are
24 convicted of any crime that involves drugs, that
25 you are automatically -- your driver's license is

1 automatically suspended for six months.

2 The amendment indicated that if you
3 want to opt out of this provision, that the state
4 had to pass enabling law, as we're attempting to
5 do today as part of this budget. The amendment
6 was such a bad law and such bad policy that
7 currently 41 of the states in the United States
8 have opted out of that provision, and it is our
9 intent to do the same thing, for reasons which
10 I'm sure they will be asking me.

11 SENATOR ORTT: Through you,
12 Mr. President, would the sponsor continue to
13 yield?

14 ACTING PRESIDENT BENJAMIN: Does
15 the sponsor yield?

16 SENATOR SEPÚLVEDA: Through you,
17 yes.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR ORTT: Through you,
21 Mr. President. Could the sponsor point to any
22 provisions contained in this budget that relates
23 to this resolution?

24 SENATOR SEPÚLVEDA: It's subpart
25 J -- through you, Mr. President, it's subpart

1 J-II. Part J of subpart II. We'll get it right.

2 SENATOR ORTT: Through you,
3 Mr. President, will the sponsor continue to
4 yield?

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield?

7 SENATOR SEPÚLVEDA: Through you,
8 yes, I do.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR ORTT: Through you,
12 Mr. President. I'm not always familiar with all
13 the Part A or J -- what bill, I should say, what
14 budget bill that we will be considering does this
15 resolution relate to?

16 SENATOR SEPÚLVEDA: Through you,
17 Mr. President, Public Protection.

18 SENATOR ORTT: Through you,
19 Mr. President, will the sponsor continue to
20 yield?

21 ACTING PRESIDENT BENJAMIN: Does
22 the sponsor yield?

23 SENATOR SEPÚLVEDA: I do.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR ORTT: And I guess --
2 through you, Mr. President -- what provisions of
3 current law does this resolution -- or should I
4 say the provisions in the budget, what provisions
5 are stricken out or are stricken by what we
6 haven't seen yet?

7 SENATOR SEPÚLVEDA: It's the
8 Vehicle and Traffic Law Section 510.

9 SENATOR ORTT: Through you,
10 Mr. President, will the sponsor continue to
11 yield?

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR SEPÚLVEDA: Yes, I do.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR ORTT: Could the sponsor be
18 more specific?

19 SENATOR SEPÚLVEDA: Subpart J,
20 line 16, Section 1: Subparagraphs 5, 6 and 7 of
21 paragraph B of subdivision 2 of Section 510 of
22 the Vehicle and Traffic Law are repealed.

23 SENATOR ORTT: Through you,
24 Mr. President, will the sponsor continue to
25 yield?

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR SEPÚLVEDA: I do.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR ORTT: Through you,
7 Mr. President. That's very lawyerly of the
8 sponsor, but somewhere, ostensibly, somebody
9 besides our staffs might actually be watching
10 these proceedings, maybe it might be a
11 late-at-night cure for insomnia. But
12 nonetheless, they could be watching this. And
13 for them, could the sponsor maybe clarify or be
14 more specific on the provisions he referenced,
15 what they actually strike out?

16 SENATOR SEPÚLVEDA: It's mandatory
17 suspension under the Vehicle and Traffic Law for
18 individuals that are convicted of drug offenses.

19 SENATOR ORTT: Through you,
20 Mr. President, will the sponsor continue to
21 yield?

22 ACTING PRESIDENT BENJAMIN: Does
23 the sponsor yield?

24 SENATOR SEPÚLVEDA: I do.

25 ACTING PRESIDENT BENJAMIN: The

1 sponsor yields.

2 SENATOR ORTT: Through you,
3 Mr. President, when would these provisions take
4 effect?

5 SENATOR SEPÚLVEDA: Through you,
6 Mr. President. Immediately.

7 SENATOR ORTT: Through you,
8 Mr. President, will the sponsor continue to
9 yield?

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR SEPÚLVEDA: I do.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR ORTT: Through you,
16 Mr. President. Why are we voting on it? So
17 there's a bill that this resolution is necessary
18 for, there's provisions in a budget bill that we
19 have not voted on yet and is not in front of us.
20 Why are we not voting on that bill before the
21 adoption of this resolution?

22 SENATOR SEPÚLVEDA: Through you,
23 Mr. President, this is part of a larger reentry
24 package that we're trying to bring to the state.
25 It's also part of the budget bill.

1 SENATOR ORTT: Through you,
2 Mr. President, on the resolution.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Ortt on the resolution.

5 SENATOR ORTT: I want to thank the
6 sponsor for answering some of those questions.

7 In short -- again, for those who are
8 watching at home, for those who don't know what
9 this debate is really about, we are enacting a
10 resolution ahead of a budget bill which we have
11 not voted on yet that says anyone convicted of
12 any drug offense -- this is federal law -- has
13 their license suspended for six months.

14 And while that might seem very
15 broad, maybe overbroad to some, I would argue
16 that the complete repeal of it is also overbroad,
17 because that also includes people who have been
18 convicted of selling Fentanyl, heroin. That's
19 not fearmongering, that's a real crisis going on
20 in our country. In fact, everyone in this
21 chamber probably at least once has talked about
22 the real risk that this poses to our communities.

23 And while we continue to try to find
24 funding, however nominal, to address that crisis,
25 we are now enacting a resolution ahead of a bill

1 that will strike that provision.

2 And the other reason we're doing
3 this is because we want the money. So we don't
4 want to comply with federal law, but we certainly
5 want federal dollars to come back to the state,
6 and that's why we have to pass this resolution.

7 I think this is bad for public
8 protection. In fact, I think it undercuts public
9 protection. And for those reasons,
10 Mr. President, I will be in the negative on this
11 resolution.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Akshar.

14 SENATOR AKSHAR: Mr. President,
15 through you, will the sponsor yield for a couple
16 of questions?

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield?

19 SENATOR SEPÚLVEDA: Yes, I do.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR AKSHAR: Through you,
23 Mr. President, federal law now requires an annual
24 certification from the Governor that the state is
25 in compliance with this federal law. Or,

1 alternatively, that the Governor is opposed to
2 the law.

3 Has the Governor in any prior year
4 ever sent a certification that he is opposed to
5 this current law?

6 SENATOR SEPÚLVEDA: Through you,
7 Mr. President, negatively.

8 SENATOR AKSHAR: Mr. President,
9 through you, if the sponsor would yield.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR SEPÚLVEDA: I do.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR AKSHAR: Through you,
16 Mr. President. Has the Governor agreed that he
17 will submit the certification that he is opposed
18 to the enforcement of the law suspending the
19 license of persons convicted of drug offenses?

20 SENATOR SEPÚLVEDA: Through you,
21 Mr. President, yes, we are required to do so
22 before we pass the resolution.

23 SENATOR AKSHAR: I'm sorry,
24 Mr. President, I didn't hear the answer.

25 ACTING PRESIDENT BENJAMIN: Please

1 repeat.

2 SENATOR SEPÚLVEDA: The Executive
3 will certify the resolution that we pass.

4 SENATOR AKSHAR: Mr. President,
5 through you, if the sponsor would continue to
6 yield.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR SEPÚLVEDA: I do.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR AKSHAR: Mr. President, has
13 the Assembly or the Senate ever passed a
14 resolution in prior years that they are opposed
15 to this law?

16 SENATOR SEPÚLVEDA: Through you,
17 Mr. President, no.

18 SENATOR AKSHAR: Through you,
19 Mr. President, if the sponsor will yield.

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR SEPÚLVEDA: I do.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR AKSHAR: Mr. President, has

1 the Assembly ever passed such a resolution?

2 SENATOR SEPÚLVEDA: No, they have
3 not, but they will pass this resolution.

4 SENATOR AKSHAR: Through you
5 Mr. President, if the sponsor will continue to
6 yield.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR SEPÚLVEDA: I do.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR AKSHAR: I want to come
13 back to an earlier question. Let me ask it
14 again, because I don't think he answered it.

15 Has the Governor agreed that he will
16 submit the certification that he is opposed to
17 the enforcement of the law suspending the license
18 of persons convicted of drug offenses?

19 SENATOR SEPÚLVEDA: Through you,
20 Mr. President, he's going to pass the resolution
21 because it's required by federal law to
22 participate in the opt-out.

23 SENATOR AKSHAR: I'm sorry, one
24 more time.

25 SENATOR SEPÚLVEDA: He is not in

1 violation of the federal law because the federal
2 law allows the opt-out.

3 SENATOR AKSHAR: Mr. President,
4 through you. I'm sorry, I think I'm confusing
5 the sponsor. My question, if he would continue
6 to yield --

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR SEPÚLVEDA: Yes, I
10 continue.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR AKSHAR: -- has the
14 Governor agreed that he too will certify that he
15 is opposed to the enforcement of law suspending
16 the license of persons convicted of drug
17 offenses? I ask that question, Mr. President,
18 because in order for this to take effect, the
19 Legislature -- the Assembly and the Senate -- and
20 the Governor, separate of one another, must
21 certify that they are opposed to enforcing this
22 law.

23 SENATOR SEPÚLVEDA: Through you,
24 Mr. President, the answer is yes.

25 SENATOR AKSHAR: Mr. President,

1 through you, if the sponsor will continue to
2 yield.

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR SEPÚLVEDA: I do.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR AKSHAR: Mr. President,
9 through you. How many people annually have their
10 licenses suspended under this statute?

11 SENATOR SEPÚLVEDA: Through you,
12 Mr. President, approximately 17,500 in New York
13 State in 2016. And only about 10 percent of
14 those were actually driving while using some sort
15 of intoxicating element.

16 SENATOR AKSHAR: Mr. President,
17 through you, if the sponsor would continue to
18 yield.

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR SEPÚLVEDA: I do.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR AKSHAR: Of those 17,500
25 offenses, how many were felonies, how many were

1 misdemeanors?

2 SENATOR SEPÚLVEDA: We don't have
3 that.

4 SENATOR AKSHAR: Will the sponsor
5 continue to yield?

6 ACTING PRESIDENT BENJAMIN: Will
7 the sponsor yield?

8 SENATOR SEPÚLVEDA: I do.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR AKSHAR: I wonder if the
12 sponsor -- Mr. President, through you -- would
13 just articulate a little bit more about what he
14 said. Less than 10 percent of the people, of the
15 17,500, were using drugs while operating a motor
16 vehicle? Is that what I understand?

17 SENATOR SEPÚLVEDA: Seventeen
18 percent of the driver's licenses that were
19 suspended were done so when someone was actually
20 driving -- was convicted of a drug offense while
21 driving.

22 SENATOR AKSHAR: Mr. President,
23 through you, if the sponsor will continue to
24 yield.

25 ACTING PRESIDENT BENJAMIN: Would

1 the sponsor yield?

2 SENATOR SEPÚLVEDA: I do.

3 ACTING PRESIDENT BENJAMIN: The
4 sponsor yields.

5 SENATOR AKSHAR: Mr. President,
6 through you. Does that mean that the person who
7 had their license suspended -- I'm sorry, they
8 were driving under the influence of some type of
9 drug?

10 SENATOR SEPÚLVEDA: No, no, let me
11 clarify.

12 SENATOR AKSHAR: Thank you.

13 SENATOR SEPÚLVEDA: Seventeen
14 thousand suspensions. Of the 17,000 suspensions,
15 only 10 percent were related to -- their
16 conviction was related to them using a vehicle in
17 the commission of their crime.

18 SENATOR AKSHAR: Mr. President,
19 through you, if the sponsor will continue to
20 yield.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields? Does the sponsor yield?

23 SENATOR SEPÚLVEDA: Yes, I do.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR AKSHAR: So as you're
2 describing -- the events that you're describing
3 to me, I just want to make sure I completely
4 understand this. If I was using my pickup truck
5 to traffic 10 kilos of cocaine and I was caught
6 and I was charged with an A-1 felony, those are
7 the people that you're talking about in saying
8 the 17 percent of the 17,000 had their licenses
9 suspended?

10 SENATOR SEPÚLVEDA: I'm sorry, ask
11 the question one more time.

12 SENATOR AKSHAR: Sure. Through
13 you, Mr. President, just so I'm not confused --
14 and it happens from time to time. Under the
15 example I give, if somebody was trafficking
16 cocaine and they were caught with 10 kilos of
17 cocaine in their truck and they were charged with
18 the A-1 felony, are those people too included in
19 the 17 percent of people that you're talking
20 about?

21 SENATOR SEPÚLVEDA: Their licenses
22 would still be able to be suspended under law.

23 SENATOR AKSHAR: Mr. President,
24 through you, if the sponsor would continue to
25 yield.

1 SENATOR SEPÚLVEDA: And I think if
2 you're driving with 17 kilos of cocaine, the last
3 thing you have to worry about is your driver's
4 license.

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield?

7 SENATOR SEPÚLVEDA: Yes, I do.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR AKSHAR: So I think what
11 I'm more concerned about is under old law, they
12 would mandatorily lose their license. But what
13 I'm asking the sponsor of the resolution is -- so
14 we both agree 17,500 people had their licenses
15 suspended under this current statute in 2016.
16 You've said that 17 percent of those people --

17 SENATOR SEPÚLVEDA: Ten percent.

18 SENATOR AKSHAR: Excuse me,
19 10 percent of the 17,500 had their licenses
20 suspended because they were under the influence
21 of drugs. Do I understand that point?
22 Mr. President, through you.

23 SENATOR SEPÚLVEDA: Through you,
24 Mr. President, yes.

25 SENATOR AKSHAR: Mr. President,

1 through you, if the sponsor would continue to
2 yield.

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield? The sponsor yields?

5 SENATOR SEPÚLVEDA: I do.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR AKSHAR: So under the new
9 statute as you're proposing in this resolution,
10 if in fact I was caught trafficking 10 kilos of
11 cocaine, would I still lose my license? Excuse
12 me, Mr. President, through you. Would I still
13 mandatorily lose my license?

14 SENATOR SEPÚLVEDA: Through you,
15 Mr. President, the law will still allow for a
16 suspension of an individual under his example.

17 SENATOR AKSHAR: Mr. President,
18 through you, if the sponsor will continue to
19 yield.

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR SEPÚLVEDA: I do.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR AKSHAR: Could the sponsor

1 describe "allow for"? What does that mean, allow
2 for?

3 SENATOR SEPÚLVEDA: The law still
4 allows for suspensions, mandatory suspensions,
5 where vehicles are used for drug trafficking or
6 use of drugs while driving a vehicle.

7 SENATOR AKSHAR: Mr. President,
8 through you, if the sponsor would continue to
9 yield.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR SEPÚLVEDA: I do.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR AKSHAR: I'll make a point
16 and then I'm going to ask a question, if I may.

17 My community specifically is still
18 reeling from a tragedy that took place on
19 March 11th, two young girls walking home on the
20 west side of Binghamton, and they were run down
21 by somebody who was under the influence of --
22 allegedly under the influence of narcotics.
23 Currently, under current law, the person that was
24 allegedly responsible for this event would
25 mandatorily lose their license.

1 My question, in changing the statute
2 which we are talking about -- Mr. President,
3 through you -- would this person who allegedly
4 was under the influence of these narcotics
5 mandatorily lose their license?

6 SENATOR SEPÚLVEDA: Through you,
7 Mr. President. Yes, that person would still be
8 able to lose their license, would be in a
9 position to lose their license.

10 SENATOR AKSHAR: Mr. President,
11 through you, if the sponsor would continue to
12 yield.

13 ACTING PRESIDENT BENJAMIN: Will
14 the sponsor yield?

15 SENATOR SEPÚLVEDA: I do.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR AKSHAR: I guess what I'm
19 confused about -- again, it's happening to me --
20 "may lose their license," "could possibly lose
21 their license." Please, I just want a little bit
22 more of an explanation about that, Senator.

23 SENATOR SEPÚLVEDA: Through you,
24 Mr. President, under the Vehicle and Traffic Law,
25 a person in that circumstance driving a vehicle

1 under the use of drugs, the Vehicle and Traffic
2 Law as it is currently enacted would require that
3 that person lose their driver's license.

4 SENATOR AKSHAR: Mr. President,
5 through you, if the sponsor would continue to
6 yield.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR SEPÚLVEDA: I do.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR AKSHAR: So in other words,
13 the person could in fact keep their license,
14 potentially.

15 SENATOR SEPÚLVEDA: It would be
16 very difficult for that person to keep their
17 license under the VTL. I mean, we do have
18 administrative judges and judges that make that
19 determination. There could be a plea bargain, a
20 plea agreement regardless of what laws we have in
21 effect. So that's why I say potentially.

22 SENATOR AKSHAR: Mr. President,
23 through you, if the sponsor would continue to
24 yield.

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield? Does the sponsor yield?

2 SENATOR SEPÚLVEDA: Yes, I do.

3 ACTING PRESIDENT BENJAMIN: The
4 sponsor yields.

5 SENATOR AKSHAR: Thank you,
6 Mr. President.

7 What's going to happen to the
8 suspensions that are currently into effect which
9 were imposed under these now-to-be-repealed
10 provisions?

11 SENATOR SEPÚLVEDA: Through you,
12 Mr. President, they will still remain suspended.

13 SENATOR AKSHAR: Mr. President,
14 through you. Would the sponsor continue to
15 yield?

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR SEPÚLVEDA: I do.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR AKSHAR: So somebody who --
22 again, I'm sorry to be repetitive. Somebody,
23 Mr. President, through you, who is not under the
24 influence of narcotics but is using their vehicle
25 to transport narcotics, sell narcotics, they will

1 no longer mandatorily lose their license?

2 SENATOR SEPÚLVEDA: Through you,
3 Mr. President, to be clear what the resolution
4 does, it removes the provision that requires
5 mandatory suspension of the license. It doesn't
6 mean it's going to happen in every single case.

7 In order for us to pass the law, we
8 have to have this resolution, and because it puts
9 us at risk of losing about 10 percent of federal
10 monies that are allocated to the state for
11 highways and traffic.

12 SENATOR AKSHAR: Mr. President,
13 through you, if the sponsor would continue to
14 yield.

15 ACTING PRESIDENT BENJAMIN: Will
16 the sponsor yield?

17 SENATOR SEPÚLVEDA: I do.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR AKSHAR: But Mr. President,
21 is it not true that we would not have to worry
22 about losing 10 percent of our federal funds if
23 we didn't change this provision?

24 SENATOR SEPÚLVEDA: Through you,
25 Mr. President, this is a discussion we can have

1 as part of our broader package of reentry,
2 absolutely. But right now, if you look at the
3 impact of the current law, you'll see that as
4 most criminal justice laws in the state, it
5 has -- the way it's applied now it has a very
6 detrimental effect on communities of color. And
7 individuals who were -- let's say lost their
8 driver's license privilege because they got
9 caught on a college campus smoking marijuana or
10 in a neighborhood smoking marijuana, these
11 individuals will have their licenses suspended.

12 And what happens, generally
13 speaking, if you look at the 41 other states that
14 have this, it's been very successful, there
15 hasn't been an apocalypse of crime or other
16 increases in these types of crimes. But you see
17 that -- for example, in New Jersey they did a
18 study where 42 percent of those who fell under
19 the law were unable -- lost their jobs,
20 45 percent of those were unable to get a new job,
21 and 75 percent of these individuals continued to
22 drive anyway.

23 So what the current law -- the way
24 we have it now, it is encouraging people to break
25 the law. It will put a scarlet letter on young

1 men and women, especially young men and women of
2 color, will impact their ability to get jobs,
3 will lead to more poverty.

4 And so in his wisdom the Governor
5 now wants the ability to remove the provision
6 that says it's mandatory that you cannot get --
7 that you lose your driver's license privileges.
8 It's mandatory that now perhaps, if you're
9 getting drug treatment, you can't drive to a
10 treatment center. Or if you have a child with
11 cancer or, God forbid, some terminal disease or
12 some curable terminal disease, that you cannot
13 drive your son or your daughter there because you
14 were caught smoking marijuana on a college campus
15 or in the street.

16 SENATOR AKSHAR: Mr. President,
17 through you, if the sponsor would continue to
18 yield.

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR SEPÚLVEDA: Yes, I do.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR AKSHAR: Does this
25 resolution -- Mr. President, through you -- have

1 anything to do with state government having a
2 conversation about the future legalization of
3 marijuana for recreational purposes?

4 SENATOR SEPÚLVEDA: Absolutely not.
5 Through you, Mr. President, absolutely not.

6 SENATOR AKSHAR: Thank you,
7 Senator.

8 Mr. President, through you, if the
9 sponsor would continue to yield.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR SEPÚLVEDA: I do.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR AKSHAR: The resolution
16 talks about a careful examination of the mandate.
17 I'm curious -- my question is, what did the
18 careful examination of this mandate consist of,
19 Mr. President?

20 SENATOR SEPÚLVEDA: I'm sorry, can
21 you repeat the question?

22 SENATOR AKSHAR: Sure.
23 Mr. President, through you. In a portion of the
24 resolution you speak specifically about "after a
25 careful examination of this mandate." You go on

1 to further say that it represents an unnecessary
2 use of State Department of Motor Vehicles
3 resources and it's not tied to ensuring the
4 safety of New York roads and highways.

5 My question to you, Senator, is what
6 did a careful examination of the mandate consist
7 of?

8 SENATOR SEPÚLVEDA: A combination
9 of things. Looking at fatalities, driving
10 fatalities. Looking at some of the information I
11 gave you -- the ability to get access to jobs, to
12 become integrated in the economy during that
13 suspension period. Your ability -- your
14 42 percent chance of losing your job. The impact
15 that it had on certain communities. It was a
16 pretty thorough examination done of the facts.

17 And more importantly, that
18 90 percent of these individuals weren't driving
19 when they lost their license as a result of drug
20 conviction.

21 SENATOR AKSHAR: Mr. President, if
22 the sponsor would continue to yield.

23 ACTING PRESIDENT BENJAMIN: Does
24 the sponsor yield?

25 SENATOR SEPÚLVEDA: I do.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR AKSHAR: You used the
4 phrase "fearmongering." I think you were talking
5 specifically about the 1990s. Could you just
6 further elaborate on fearmongering and how you
7 define that?

8 SENATOR SEPÚLVEDA: Sure. I mean,
9 if you recall -- I don't know if you're as old as
10 I am, Senator, but if you recall when terms
11 like -- were used to describe African-American
12 and Latino kids as predators, and lock them up
13 and throw away the key, and that kind of
14 mentality that permeated the criminal justice
15 system and criminal justice laws in the '90s.
16 That's what we talk about when we talk about
17 fearmongering.

18 SENATOR AKSHAR: Thank you,
19 Senator.

20 On the resolution.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Akshar on the resolution.

23 SENATOR AKSHAR: I want to thank my
24 esteemed colleague for his time in answering the
25 questions that I had.

1 What a sad, sad day, Mr. President.
2 Fitting, however, knowing that we are taking
3 this -- our great state in a certain direction.
4 Surprised? I'm not surprised at all that we're
5 doing this.

6 But I want everyone at home in the
7 52nd to know that by this resolution, the state
8 is saying to hell with law-abiding citizens. And
9 to the criminals of the world, let us make it a
10 little bit easier for you. Let us roll out the
11 red carpet for you.

12 You know, people in state
13 government, they're happy to run to the federal
14 government, hat in hand, asking for money. But
15 in the same breath, they're saying to hell with
16 your rules, we no longer think that we need to
17 protect the public.

18 With all due respect to the sponsor
19 of this resolution, I think this sends the wrong
20 message to New Yorkers. I think that we are in
21 fact better than this.

22 So whether it's drug dealers or if
23 it's people suffering from addiction who happen
24 to be driving, who don't happen to be driving,
25 the state really needs less of those people on

1 the road rather than more of them.

2 And this thought that -- again, the
3 tragedy that my community is reeling from that
4 took place on March 11th, the fact that now we
5 could say to the person who allegedly committed
6 this crime, Well, we're no longer mandatorily
7 going to take your license from you, we're going
8 to leave that up to somebody else, I think should
9 be unacceptable to all of us.

10 Mr. President, I'll be voting no.

11 ACTING PRESIDENT BENJAMIN: The
12 question is on the resolution. The Secretary
13 will call the roll.

14 SENATOR GRIFFO: Mr. President, I
15 request a slow roll call.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Griffo.

18 SENATOR GRIFFO: Slow roll call
19 request.

20 (More than five Senators standing.)

21 (Pause.)

22 ACTING PRESIDENT BENJAMIN: The
23 Secretary will call the roll.

24 THE SECRETARY: Senator Addabbo.

25 SENATOR ADDABBO: Yes.

1 THE SECRETARY: Senator Addabbo in
2 the affirmative.

3 Senator Akshar.

4 SENATOR AKSHAR: No.

5 THE SECRETARY: Senator Akshar in
6 the negative.

7 Senator Amedore.

8 SENATOR AMEDORE: No.

9 THE SECRETARY: Senator Amedore in
10 the negative.

11 Senator Antonacci.

12 SENATOR ANTONACCI: Mr. President,
13 I rise to explain my vote.

14 I will be voting no, because this
15 resolution is exactly something that should not
16 be discussed during the budget process. If it
17 were not for the Majority's ask of removing the
18 statute, something that should be done outside of
19 the budget, we would not have to undertake this
20 resolution.

21 So I will vote no and respectfully
22 yield the remainder of my time to my colleagues.

23 THE SECRETARY: Senator Bailey.

24 SENATOR BAILEY: Aye.

25 THE SECRETARY: Senator Bailey in

1 the affirmative.

2 Senator Benjamin.

3 ACTING PRESIDENT BENJAMIN: Aye.

4 THE SECRETARY: Senator Benjamin in
5 the affirmative.

6 Senator Biaggi.

7 SENATOR BIAGGI: Aye.

8 THE SECRETARY: Senator Biaggi in
9 the affirmative.

10 Senator Boyle.

11 SENATOR BOYLE: No.

12 THE SECRETARY: Senator Boyle in
13 the negative.

14 Senator Breslin.

15 SENATOR BRESLIN: Aye.

16 THE SECRETARY: Senator Breslin in
17 the affirmative.

18 Senator Brooks.

19 SENATOR BROOKS: Aye.

20 THE SECRETARY: Senator Brooks in
21 the affirmative.

22 Senator Carlucci.

23 SENATOR CARLUCCI: Yes.

24 THE SECRETARY: Senator Carlucci in
25 the affirmative.

1 Senator Comrie.

2 SENATOR COMRIE: Yes.

3 THE SECRETARY: Senator Comrie in
4 the affirmative.

5 Senator Felder.

6 (No response.)

7 THE SECRETARY: Senator Flanagan.

8 SENATOR FLANAGAN: Mr. President, I
9 rise to explain my vote.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Flanagan to explain his vote.

12 SENATOR FLANAGAN: Yeah. I
13 happened to be outside of the chamber but,
14 listening to the discussion, heard Senator Ortt,
15 heard Senator Akshar not only commenting on this
16 resolution but asking questions.

17 And I know we're not really supposed
18 to mention members who get up and speak. Having
19 said that, I listened to the back and forth.
20 There was a question asked by Senator Akshar
21 about what would happen, is there anything
22 negative that's going to happen if we were to do
23 nothing?

24 Under present law and under the
25 statutory construction that exists, we're not in

1 jeopardy of losing anything. We're not in
2 jeopardy of losing any federal funding
3 whatsoever. In fact, it's quite the contrary in
4 the sense that you have to act affirmatively to
5 go to the federal government and say you want to
6 be exempted so you don't potentially lose federal
7 funding.

8 The answer should be yes, nothing
9 changes if this resolution is not before us. I
10 think the person who advanced this resolution --
11 just say yes, we're making a significant change
12 in public policy.

13 And when people tell me -- and I
14 hear, well, only 10 percent of them are
15 driving-related offenses. That misses the whole
16 point. We're talking about 17,000. Not five,
17 not seven -- 17,000 convictions for drug-related
18 offenses. With everything that's going on in our
19 society, in every single community across the
20 State of New York, this is absolutely heading in
21 the wrong direction.

22 To suggest that this is some small
23 change and we should only pay attention if it's a
24 driving-related offense, it's a drug-related
25 conviction.

1 I will not support something like
2 this, and I vote no.

3 THE SECRETARY: Senator Funke.

4 SENATOR FUNKE: No.

5 THE SECRETARY: Senator Funke in
6 the negative.

7 Senator Gallivan.

8 SENATOR GALLIVAN: Nay.

9 THE SECRETARY: Senator Gallivan in
10 the negative.

11 Senator Gaughran.

12 SENATOR GAUGHRAN: No.

13 THE SECRETARY: Senator Gaughran in
14 the negative.

15 Senator Gianaris.

16 SENATOR GIANARIS: Yes.

17 THE SECRETARY: Senator Gianaris in
18 the affirmative.

19 Senator Gounardes.

20 SENATOR GOUNARDES: Aye.

21 THE SECRETARY: Senator Gounardes
22 in the affirmative.

23 Senator Griffo.

24 SENATOR GRIFFO: No.

25 THE SECRETARY: Senator Griffo in

1 the negative.

2 Senator Harckham.

3 SENATOR HARCKHAM: Aye.

4 THE SECRETARY: Senator Harckham in
5 the affirmative.

6 Senator Helming.

7 SENATOR HELMING: No.

8 THE SECRETARY: Senator Helming in
9 the negative.

10 Senator Hoylman.

11 SENATOR HOYLMAN: Yes.

12 THE SECRETARY: Senator Hoylman in
13 the affirmative.

14 Senator Jackson.

15 SENATOR JACKSON: Aye.

16 THE SECRETARY: Senator Jackson in
17 the affirmative.

18 Senator Jacobs.

19 SENATOR JACOBS: No.

20 THE SECRETARY: Senator Jacobs in
21 the negative.

22 Senator Jordan.

23 SENATOR JORDAN: No.

24 THE SECRETARY: Senator Jordan in
25 the negative.

1 Senator Kaminsky.

2 SENATOR KAMINSKY: Aye.

3 THE SECRETARY: Senator Kaminsky in
4 the affirmative.

5 Senator Kaplan.

6 SENATOR KAPLAN: No.

7 THE SECRETARY: Senator Kaplan in
8 the negative.

9 Senator Kavanagh.

10 SENATOR KAVANAGH: Yes.

11 THE SECRETARY: Senator Kavanagh in
12 the affirmative.

13 Senator Kennedy.

14 SENATOR KENNEDY: Aye.

15 THE SECRETARY: Senator Kennedy in
16 the negative. Senator Krueger -- oh, pardon me,
17 oh, whoa, whoa.

18 (Laughter; reaction from members.)

19 THE SECRETARY: Affirmative. Whoa,
20 whoa. Affirmative, gotcha.

21 Senator Krueger.

22 SENATOR KRUEGER: To explain my
23 vote.

24 I also listened to the debate.

25 Forty-six states have already done this. We are

1 not undoing criminal charges for drug felonies.
2 We are having a discussion about whether or not
3 there will be an additional charge of penalizing
4 somebody's driver's license or not.

5 This does not do away with any of
6 the criminal penalties for drug offenses that the
7 17,000 people may be facing, may be going to
8 jail. This is not the question. The question is
9 why is New York State one of only four or five
10 states left in the nation to get around to doing
11 this? And why would we risk losing federal
12 government money for something we should have
13 probably taken care of years ago?

14 I vote yes, Mr. President.

15 THE SECRETARY: Senator Krueger in
16 the affirmative.

17 Senator Lanza.

18 SENATOR LANZA: To explain my vote,
19 Mr. President.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Lanza to explain his vote.

22 SENATOR LANZA: First I'd like to
23 clear something up.

24 Under the current law related to the
25 suspension of a driver's license after the

1 conviction for a drug offense, smoking pot at
2 college or anywhere else is not a crime for which
3 this would ever apply to. Because under our law
4 here in New York, you are not convicted of a
5 misdemeanor when you smoke pot on a college
6 campus or anywhere else.

7 So I think it's important to
8 understand the reality of where the law applies
9 and where it doesn't.

10 The truth, though, is that I find
11 myself in a different place from both Democrats
12 and Republicans, which is a place I sometimes
13 occupy with respect to this issue. I happen to
14 agree with Senator Sepúlveda with respect to the
15 blanket application of this law in this state. I
16 think there are a lot of under or lower-level
17 drug crimes where perhaps this is not the best
18 policy, where there are alternative measures that
19 the state can take with respect to ensuring
20 public safety. But we ought not throw out the
21 baby with the bathwater, and I think this
22 measure -- or the upcoming measure, which this
23 resolution is laying the groundwork for -- does
24 just that.

25 And just as a for-instance, so if

1 someone is sitting in their car, actually using
2 their car as the business -- the place of
3 business to sell drugs, to put this poison into
4 our community -- if they're sitting in their car
5 outside of a school and they're selling heroin to
6 kids as they go by, under the current law you
7 would mandatorily lose your driver's license. I
8 think that makes sense.

9 Under the new proposed law, you
10 might lose your license. I think that is a very
11 dangerous change in the law for the State of
12 New York. I think that will make our streets
13 more dangerous. I think it will mean that more
14 drugs are going to get into the hands of our
15 neighbors, our brothers and sisters across
16 New York, which will mean that more of New York's
17 sons and daughters will lose their lives in this
18 drug epidemic that we see just racing across the
19 state and the country.

20 So again, I think there's a
21 in-between here, Senator Sepúlveda. I think with
22 respect to lower level, I think it makes sense
23 what you're doing. But I think with respect to
24 the more serious crimes where people are using
25 their cars, that we ought to maintain that you

1 mandatorily, and not possibly, lose your license.

2 I vote in the negative.

3 THE SECRETARY: Senator Lanza in
4 the negative.

5 Senator LaValle.

6 SENATOR LaVALLE: No.

7 THE SECRETARY: Senator LaValle in
8 the negative.

9 Senator Little.

10 SENATOR LITTLE: No.

11 THE SECRETARY: Senator Little in
12 the negative.

13 Senator Liu.

14 SENATOR LIU: That's Liu, right?

15 THE SECRETARY: Liu.

16 SENATOR LIU: Yes.

17 THE SECRETARY: Senator Liu in the
18 affirmative.

19 Senator Martinez.

20 SENATOR MARTINEZ: No.

21 THE SECRETARY: Senator Martinez in
22 the negative.

23 Senator May.

24 SENATOR MAY: Yes.

25 THE SECRETARY: Senator May in the

1 affirmative.

2 Senator Mayer.

3 SENATOR MAYER: Yes.

4 THE SECRETARY: Senator Mayer in
5 the affirmative.

6 Senator Metzger.

7 SENATOR METZGER: Aye.

8 THE SECRETARY: Senator Metzger in
9 the affirmative.

10 Senator Montgomery.

11 SENATOR MONTGOMERY: Yes.

12 THE SECRETARY: Senator Montgomery
13 in the affirmative.

14 Senator Myrie.

15 SENATOR MYRIE: Aye.

16 THE SECRETARY: Senator Myrie in
17 the affirmative.

18 Senator O'Mara.

19 SENATOR O'MARA: No.

20 THE SECRETARY: Senator O'Mara in
21 the negative.

22 Senator Ortt.

23 SENATOR ORTT: Nay.

24 THE SECRETARY: Senator Ortt in the
25 negative.

1 Senator Parker.

2 SENATOR PARKER: Aye.

3 THE SECRETARY: Senator Parker in
4 the affirmative.

5 Senator Persaud.

6 SENATOR PERSAUD: Aye.

7 THE SECRETARY: Senator Persaud
8 in the affirmative.

9 Senator Ramos.

10 SENATOR RAMOS: Aye.

11 THE SECRETARY: Senator Ramos in
12 the affirmative.

13 Senator Ranzenhofer.

14 SENATOR RANZENHOFER: No.

15 THE SECRETARY: Senator Ranzenhofer
16 in the negative.

17 Senator Ritchie.

18 SENATOR RITCHIE: No.

19 THE SECRETARY: Senator Ritchie in
20 the negative.

21 Senator Rivera.

22 SENATOR RIVERA: Yes.

23 THE SECRETARY: Senator Rivera in
24 the affirmative.

25 Senator Robach.

1 SENATOR ROBACH: No, sir.

2 THE SECRETARY: Senator Robach in
3 the negative.

4 Senator Salazar.

5 SENATOR SALAZAR: Aye.

6 THE SECRETARY: Senator Salazar in
7 the affirmative.

8 Senator Sanders.

9 SENATOR SANDERS: Yes, sir.

10 THE SECRETARY: Senator Sanders in
11 the affirmative.

12 Senator Savino.

13 SENATOR SAVINO: Yes.

14 THE SECRETARY: Senator Savino in
15 the affirmative.

16 Senator Sepúlveda.

17 SENATOR SEPÚLVEDA: To explain my
18 vote.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Sepúlveda to explain his vote.

21 SENATOR SEPÚLVEDA: Thank you,
22 Mr. President, for allowing me to explain my
23 vote.

24 To my colleagues on the other side,
25 I just want to make it clear that this is not

1 going to change your potential of getting
2 convicted of any drug crime in the state. If in
3 fact you are driving with drugs, if you're
4 driving under the influence of drugs, there will
5 be consequences to pay. There are enough
6 provisions in the state statutes, within the DMV,
7 the Vehicle and Traffic Law, that will allow you
8 to get your license suspended.

9 What this is doing is removing the
10 provision that says that if you are convicted of
11 a drug offense, your license will be suspended
12 for six months and it's mandatory.

13 Now, many of the individuals of the
14 17,500 -- only about 1,750 were driving under the
15 influence of drugs. The other individuals, I'd
16 say a great portion of them, are people that need
17 to get drug treatments, people that need to use
18 their vehicles in order to get to the locations
19 where the drug treatments are provided.

20 If you look in some of the areas
21 that my colleagues on the other side represent
22 with the opioid epidemic, the need of a vehicle
23 is probably greater than in New York City, so
24 many of their constituents will pay the price.
25 Many of them will continue to drive even though

1 they're not supposed to drive because their
2 license was to be suspended, and that will lead
3 to other problems.

4 But some of these individuals also
5 have children that have to go to medical
6 appointments. And for six months we are making
7 it impossible for them, even though they were not
8 driving with drugs in their system.

9 And I'll reemphasize, some of the
10 information, some of the statistics that come
11 with this punitive federal law -- which again,
12 let's remember that if it's such a great law, why
13 is it that 41 states have already opted out of
14 this provision of the federal law?

15 Again, if you look at New Jersey,
16 42 percent of those who had their license
17 suspended under this mandatory provision lost
18 their jobs, and 45 percent of them couldn't find
19 a new job. And 75 percent of them are still
20 driving.

21 So what we're doing is by
22 maintaining this provision, we're creating an
23 environment where people who were not using drugs
24 while driving, their impact, their economic
25 ability to provide for their families and even

1 their ability to go to the local towns and
2 integrate themselves in the economy, go to the
3 stores -- all this is impacted. And so we want
4 to create an environment where you only get an
5 automatic suspension of your license if you are
6 driving under the influence.

7 The Executive was almost required to
8 do this in order for us to pass the bill that
9 we'll essentially opt out. I think he was being
10 prudent. I think my colleagues are being prudent
11 because we did stand in a position to lose
12 10 percent of federal funding for our highways,
13 something that I'm sure even my colleagues on the
14 other side wouldn't want.

15 So this is part of a well-thought-
16 out process, this is part of a well-thought-out
17 process to remove barriers to reentry into
18 society, and this is going to be good for the
19 state, good for individuals that are seeking drug
20 treatment so they can become productive members
21 of society. And so that's why I vote in the
22 positive. Thank you.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Sepúlveda in the affirmative.

25 Senator Serino.

1 SENATOR SERINO: No.

2 THE SECRETARY: Senator Serino in
3 the negative.

4 Senator Serrano.

5 SENATOR SERRANO: Aye.

6 THE SECRETARY: Senator Serrano in
7 the affirmative.

8 Senator Seward.

9 SENATOR SEWARD: No.

10 THE SECRETARY: Senator Seward in
11 the negative.

12 Senator Skoufis.

13 SENATOR SKOUFIS: No.

14 THE SECRETARY: Senator Skoufis in
15 the negative.

16 Senator Stavisky.

17 SENATOR STAVISKY: Yes. Aye.

18 THE SECRETARY: Senator Stavisky in
19 the affirmative.

20 Senator Stewart-Cousins in the
21 affirmative.

22 Senator Tedisco.

23 SENATOR TEDISCO: Not today. Not
24 today.

25 THE SECRETARY: Senator Tedisco in

1 the negative.

2 Senator Thomas.

3 SENATOR THOMAS: Aye.

4 THE SECRETARY: Senator Thomas in
5 the affirmative.

6 ACTING PRESIDENT BENJAMIN: Call
7 the absentees.

8 THE SECRETARY: Senator Felder.

9 (No response.)

10 ACTING PRESIDENT BENJAMIN:
11 Announce the results.

12 THE SECRETARY: Ayes, 35. Nays,
13 26. Senator Felder absent from voting.

14 ACTING PRESIDENT BENJAMIN: The
15 resolution is adopted.

16 Senator Gianaris.

17 SENATOR GIANARIS: Mr. President,
18 let me once again reiterate that members should
19 stay in and around the chamber. We are wasting a
20 lot of time today trying to find people when they
21 drift off. And as you can tell, we have votes,
22 and people need to be here for them. So please
23 do not leave the chamber area today.

24 Can we now move on to Calendar
25 Number 357.

1 ACTING PRESIDENT BENJAMIN: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number
4 357, Senate Budget Bill, Senate Print 1505C, an
5 act to amend the Civil Service Law.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Griffo, why do you rise?

8 SENATOR GRIFFO: Mr. President, I
9 believe there's an amendment at the desk. I
10 would waive the reading of that amendment and ask
11 that Senator Ritchie be recognized on the
12 amendment.

13 ACTING PRESIDENT BENJAMIN: Thank
14 you, Senator Griffo.

15 Upon review of the amendment, in
16 accordance with Rule 6, Section 4B, I rule it
17 nongermane and out of order at this time.

18 SENATOR GRIFFO: I have a feeling
19 I'm going to hear that a lot today.

20 Mr. President, I would appeal,
21 respectfully, your ruling and ask that you
22 recognize Senator Ritchie to be heard on the
23 appeal.

24 ACTING PRESIDENT BENJAMIN: The
25 appeal has been made and recognized, and Senator

1 Ritchie may be heard.

2 SENATOR RITCHIE: This amendment is
3 germane to the bill-in-chief because it directly
4 deals with the proposal to close correctional
5 facilities by the Department of Corrections and
6 Community Supervision.

7 Under the proposal, the Governor
8 would only have to provide the Legislature with
9 90-day notice prior to closing a facility. This
10 provides employees and communities with little
11 time. Several prison facilities are located in
12 my district, and many are located in small cities
13 and towns. Riverview Correctional Facility and
14 Ogdensburg Correctional Facility are located in
15 Ogdensburg, which has a population of just over
16 11,000 residents. The Gouverneur Correctional
17 Facility is located in the Town of Gouverneur,
18 that has a population of a little less than
19 4,000 residents.

20 In these small communities, the
21 prison facilities are the main employers. These
22 communities would be devastated by a prison
23 closure.

24 This amendment would require the
25 Governor to follow the one-year notice

1 requirement established under Section 79A of the
2 Correction Law, and establish an adaptive reuse
3 plan prior to the closure of the prison. The
4 one-year notification will provide employees with
5 ample notice, and the adaptive reuse plan would
6 help the community in which the prison facility
7 is located to deal with the economic impact of
8 the closure.

9 This amendment would phase out
10 double bunking, to provide a more safe
11 environment for correction officers and inmates.

12 I urge all my colleagues to vote for
13 this amendment.

14 ACTING PRESIDENT BENJAMIN: Thank
15 you, Senator Ritchie.

16 I want to remind the house that the
17 vote is on the procedures of the house and the
18 ruling of the chair.

19 Those in favor of overruling the
20 chair signify by saying aye.

21 (Response of "Aye.")

22 SENATOR GRIFFO: Show of hands,
23 please.

24 ACTING PRESIDENT BENJAMIN: A show
25 of hands has been requested and so ordered.

1 (Show of hands.)

2 THE SECRETARY: Ayes, 22.

3 ACTING PRESIDENT BENJAMIN: The
4 ruling of the chair stands, and the bill-in-chief
5 is before the house.

6 Senator Griffo.

7 SENATOR GRIFFO: Mr. President, I
8 believe there's another amendment at the desk. I
9 would waive its reading and ask that you call
10 upon Senators Antonacci and Tedisco to be heard.

11 ACTING PRESIDENT BENJAMIN: Thank
12 you, Senator Griffo.

13 Upon review of the amendment, in
14 accordance with Rule 6, Section 4B, I rule it
15 nongermane and out of order at this time.

16 SENATOR GRIFFO: Accordingly,
17 Mr. President, I respectfully appeal the ruling
18 of the chair and ask that you call upon Senator
19 Antonacci, followed by Senator Tedisco, to be
20 heard.

21 ACTING PRESIDENT BENJAMIN: The
22 appeal has been made and recognized, and Senator
23 Antonacci, followed by Senator Tedisco, may be
24 heard.

25 SENATOR ANTONACCI: Thank you,

1 Mr. President.

2 This body made a decision to enact
3 early voting. And though early voting might
4 provide convenience for some voters, it carries a
5 high price for our constituents. We listened to
6 platitudes like "democracy has no price," but as
7 it turns out, it has a very high one.

8 Early voting and the e-poll books,
9 as worthy as they might be, will cost
10 \$175 million to implement. And Senate
11 Republicans asked during the race to pass
12 legislation how this state would afford it.

13 This amendment is germane to the
14 bill-in-chief because it provides mandate relief
15 to localities that will be affected by early
16 voting costs that will now be passed on to
17 localities because the state has failed to
18 adequately fund these initiatives.

19 This budget allocates \$10 million
20 for early voting and \$14 million for
21 e-poll books. Before these paltry figures came
22 out, Nassau County moved to borrow \$3.7 million
23 to fund these initiatives. This amendment
24 creates an early voting fund that takes the
25 financial burden off of the counties, many of

1 whom are already under fiscal duress. It is
2 unfair and unfortunate that those on the other
3 side of the aisle would rather speak in clever
4 catch phrases on this issue that, because of
5 insufficient funding, will only harm everyday
6 taxpayers.

7 So yes, Mr. President, there is a
8 price to democracy, and in this case it is
9 \$175 million on the backs of hardworking people.
10 Let us help our counties by stopping this
11 unfunded mandate. I hope all of my colleagues
12 will join me in supporting an overruling of your
13 ruling from the bench and support this amendment.

14 Thank you.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Tedisco on the appeal.

17 SENATOR TEDISCO: Thank you,
18 Mr. President.

19 Mr. President, let me first of all
20 say this is on a extremely important amendment.
21 And I'm shocked, literally shocked, that you
22 would suggest it's not germane. Via Casablanca.

23 It's not only germane, but when I
24 get done presenting it to you, I know you'll
25 judge that it is germane and will realize the

1 fact that it impacts and would impact, if we went
2 forward with it, a positive impact on the economy
3 of the entire State of New York.

4 It would create a real viability to
5 our property tax cap, which, when we put it in
6 place, we all supported unfunded mandate relief
7 and the elimination of unfunded mandates.
8 Because there's a chance right now, as effective
9 as that property tax cap has been, saving
10 \$359 million in my district and \$27 billion
11 across the state, potentially, if we don't stop
12 these unfunded mandates, it's going to give them
13 the choice, of local elected officials, to either
14 break that property tax cap and raise taxes or
15 slice the services that they provide to their
16 constituents.

17 Mr. President and my colleagues, we
18 live in a state that simply taxes too much,
19 spends too much, borrows too much, and clearly
20 mandates too much. In past years, in a real life
21 as the Assembly Minority Leader, I was proud to
22 be the sponsor and a driving force, with my
23 colleagues, for passage of the property tax cap,
24 which has saved taxpayers billions of dollars by
25 putting a lid on out-of-control property tax

1 increases.

2 And as I and my conference
3 originally presented and fought for that tax cap,
4 we did so with a promise from the Governor and
5 legislative leaders that mandate relief would be
6 part of the solution. But that promise has yet
7 to be fulfilled.

8 Making that tax cap permanent is a
9 positive action for taxpayers, but the tax cap is
10 only half the solution. The other component is
11 clearly mandate relief. We can't ask our local
12 governments to do more with less over and over
13 again and not provide funding from the state.

14 You know, I think we'd all love to
15 create a perfect world, but somebody's got to pay
16 for it. And too often in New York State it's our
17 local municipalities and local property taxpayers
18 who the state hands the bill to in the form of
19 unfunded mandates.

20 This amendment is clearly germane to
21 the bill, as the Public Protection and General
22 Government Budget Bill provides countless new
23 mandates upon local governments and numerous
24 authorizations for new regulations upon both
25 businesses and those local governments.

1 Every day our constituents face the
2 burden of crushing real property taxes. But
3 without this amendment, any promise of real
4 property tax relief, either through the real
5 property tax cap or the STAR program, is simply
6 unrealized.

7 Any benefit those important programs
8 can deliver is more than outweighed when the
9 state government shifts cost after cost after
10 cost after cost upon the local government through
11 unfunded mandates. The numerous unfunded
12 mandates in this bill will require an increase in
13 real property tax to the entire State of
14 New York, for such increases are the only means
15 that local government can use to pay for these
16 required new cost shifts -- unless they slash
17 services. And that wasn't the intent of a
18 property tax cap.

19 The budget bill heaps unfunded cost
20 upon unfunded cost on all our local governments.
21 This amendment, my amendment, would relieve those
22 costs and help every real property taxpayer in
23 the state by requiring the state to pay for these
24 mandates and give localities, for the first time,
25 a means to avoid the requirement to raise real

1 property taxes to pay for these unfair
2 state-imposed programs or, again, slash services.

3 More specifically, these amendments
4 would, number one, require that the state provide
5 funding for all mandates it would impose upon
6 local governments. No more mandates on the
7 villages, towns and counties without the funding
8 being forthcoming. Reactivate, empower and
9 strengthen the State Mandate Relief Council with
10 powers and duties to address the issue of
11 unfunded mandates. Impose limitations on state
12 agencies seeking to promulgate regulations by
13 expedited means unless there really is an
14 emergency that imposes an imminent and actual
15 threat to public health or safety. It would also
16 provide regulatory relief to small businesses and
17 establish the state small business liaison. And
18 lastly, it would require the Office of the State
19 Comptroller to conduct a study and issue a report
20 regarding the extent and cost of legislation that
21 imposes unfunded mandates upon local governments
22 in New York State.

23 Mr. President and my colleagues,
24 this is something that the constituents, leaders
25 of local governments, businesses in New York

1 State have talked about and talked about and
2 talked about. And you know what? It's not only
3 Republicans that want to eliminate unfunded
4 mandates, it's you on the other side of the
5 aisle. Because I watch the news. And every time
6 you're asked about it, you talk about it: We've
7 got to do something about those unfunded
8 mandates.

9 Here is an opportunity to stand up
10 for your constituents, the taxpayers of New York
11 State, to validate the success into the future of
12 that property tax cap. Because, my friends, if
13 we continue to pile mandate upon mandate upon
14 mandate on those local municipalities, it will
15 eat into their services. You know, you're being
16 called by those local elected officials.

17 Don't get me wrong, we have to make
18 it permanent, because it's the one thing that's
19 actually working to give some reprieve and help
20 to the beleaguered property taxpayers of New York
21 State. You can do it, you have the opportunity
22 to do it. We can fulfill that promise to have a
23 real property tax cap that holds the line on
24 property taxes and also allow those important
25 services to be solvent.

1 As caring, responsible
2 representatives of the people, we can and we must
3 do more. For all these reasons, Mr. President,
4 I'm urging all my colleagues to support this
5 amendment.

6 ACTING PRESIDENT BENJAMIN: Thank
7 you, Senators Antonacci and Tedisco.

8 I want to remind the house that the
9 vote is on the procedures of the house and the
10 ruling of the chair.

11 Those in favor of overruling the
12 chair signify by saying aye.

13 SENATOR GRIFFO: Request a show of
14 hands, Mr. President.

15 ACTING PRESIDENT BENJAMIN: A show
16 of hands has been requested and so ordered.

17 (Show of hands.)

18 THE SECRETARY: Ayes, 21.

19 ACTING PRESIDENT BENJAMIN: The
20 ruling of the chair stands, and the bill-in-chief
21 is before the house.

22 Senator Ritchie.

23 SENATOR RITCHIE: Would the sponsor
24 yield for a few questions? It's on prison
25 closures.

1 SENATOR GIANARIS: Mr. President,
2 please recognize Senator Sepúlveda on this issue.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Sepúlveda, do you yield?

5 SENATOR SEPÚLVEDA: I do.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR RITCHIE: This bill
9 includes language to permit the closing of two
10 correctional facilities, though I hear in the
11 revenue bill it's now back up to three prisons.
12 Which facilities have been specifically
13 identified for closing?

14 SENATOR SEPÚLVEDA: Through you,
15 Mr. President, we still haven't identified the
16 facilities. The language is it's up to three.
17 So we haven't yet decided which one is going to
18 be done.

19 SENATOR RITCHIE: Would the sponsor
20 continue to yield?

21 ACTING PRESIDENT BENJAMIN: Does
22 the sponsor yield?

23 SENATOR SEPÚLVEDA: I do.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR RITCHIE: Under this bill,
2 what criteria is being used to justify and
3 explain the reasons for the specific facility
4 closing?

5 SENATOR SEPÚLVEDA: It's a proposal
6 from the Executive because of the empty spaces
7 that exist right now in facilities. And the
8 beds.

9 SENATOR RITCHIE: Would the sponsor
10 continue to yield?

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR SEPÚLVEDA: I do.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR RITCHIE: Does the language
17 in the bill address the type of facility that
18 would be closed, whether it be medium or maximum
19 security?

20 SENATOR SEPÚLVEDA: Through you,
21 Mr. President, no.

22 SENATOR RITCHIE: Will the sponsor
23 continue to yield?

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR SEPÚLVEDA: I do.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR RITCHIE: Can you explain
5 why that would not be included?

6 SENATOR SEPÚLVEDA: This was a
7 proposal from the Executive.

8 SENATOR RITCHIE: Would the sponsor
9 continue to yield.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR SEPÚLVEDA: I do.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR RITCHIE: What is the
16 savings to the State Budget from this plan? And
17 can you explain how you arrived at that figure?

18 SENATOR SEPÚLVEDA: Could you --
19 through you, Mr. President, could you ask her to
20 repeat the question?

21 ACTING PRESIDENT BENJAMIN: Repeat
22 the question, please.

23 SENATOR RITCHIE: Can you tell me
24 what the savings from this plan is and how you
25 arrived at that number?

1 SENATOR SEPÚLVEDA: The figure was
2 received from DOCCS, and it's related to facility
3 closings, and it's about 21.5 million.

4 SENATOR RITCHIE: Could the sponsor
5 repeat that?

6 SENATOR SEPÚLVEDA: I'm sorry --

7 SENATOR RITCHIE: Could you repeat
8 that? I'm sorry, I didn't -- I couldn't hear
9 you.

10 SENATOR SEPÚLVEDA: The numbers
11 were received from DOCCS, and it's about
12 21.5 million.

13 SENATOR RITCHIE: Would the sponsor
14 continue to yield?

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR SEPÚLVEDA: I do.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR RITCHIE: Is that for two
21 or three prisons?

22 SENATOR SEPÚLVEDA: It's for the up
23 to three facilities.

24 SENATOR RITCHIE: Would the sponsor
25 continue to yield?

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR SEPÚLVEDA: I do.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR RITCHIE: How much of the
7 savings would be reinvested in the communities
8 that are impacted by the closings of the
9 facilities?

10 SENATOR SEPÚLVEDA: It's a DOCCS
11 budget. We're not a hundred percent clear. So I
12 can't give you exact numbers, exact figures.

13 SENATOR RITCHIE: Would the sponsor
14 continue to yield?

15 ACTING PRESIDENT BENJAMIN: Will
16 the sponsor yield?

17 SENATOR SEPÚLVEDA: I do.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR RITCHIE: Are you saying
21 that maybe zero dollars will be invested in the
22 communities that are affected by the closures?

23 SENATOR SEPÚLVEDA: Again, I can't
24 give you exact numbers, but there's law in effect
25 already that says that we have to study the

1 impact on local communities of these closings.

2 SENATOR RITCHIE: Will the sponsor
3 continue to yield?

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR SEPÚLVEDA: I do.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR RITCHIE: This house has
10 stated, in their one-house budget that passed
11 with unanimous support from the other side of the
12 aisle, that any prison closures should occur only
13 "with meaningful advanced notice and
14 justification so as to allow thoughtful planning
15 for closing and reusing facilities." Yet this
16 bill significantly reduces the notice to
17 communities to 90 days, far shorter than the
18 existing law.

19 Does the sponsor think that 90 days
20 is sufficient for families, staff, communities
21 and state officials to plan and adjust to the
22 closing of a facility which in many cases is the
23 largest employer in that area?

24 SENATOR SEPÚLVEDA: I'm sure that
25 in a perfect world we can get more notice. But

1 when you take into account the fact that we are
2 going -- the Executive is going to look at the
3 impact it has on local communities, will ensure
4 that no one loses their job, that people are
5 offered similar jobs, then for this particular
6 instance for these three facilities I believe
7 that the current notice is adequate.

8 SENATOR RITCHIE: Does the sponsor
9 continue to yield?

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR SEPÚLVEDA: Yes, I do.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR RITCHIE: Will those jobs
16 that will be offered be close to where the
17 individuals now live or somewhere else in the
18 state?

19 SENATOR SEPÚLVEDA: That is the
20 commitment that the Executive has made.

21 SENATOR RITCHIE: Would the sponsor
22 continue to yield.

23 ACTING PRESIDENT BENJAMIN: Does
24 the sponsor yield?

25 SENATOR SEPÚLVEDA: I do.

1 SENATOR RITCHIE: There have
2 obviously been a number of other prison closings
3 in recent years. Does the sponsor know how many
4 of these previously closed facilities have been
5 adapted for reuse?

6 SENATOR SEPÚLVEDA: Unfortunately I
7 don't have the exact figures at this moment.

8 SENATOR RITCHIE: Will the sponsor
9 continue to yield?

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor --

12 SENATOR SEPÚLVEDA: I do.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR SEPÚLVEDA: Sorry.

16 SENATOR RITCHIE: What changes does
17 this bill make to existing law to help assure
18 that the closed facilities are readapted and
19 reused in ways that benefit local communities?

20 SENATOR SEPÚLVEDA: There will be
21 no changes to the existing law. This is a
22 one-time request for these three facilities.

23 SENATOR RITCHIE: Will the sponsor
24 continue to yield?

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR SEPÚLVEDA: I do.

3 ACTING PRESIDENT BENJAMIN: The
4 sponsor yields.

5 SENATOR RITCHIE: For those
6 facilities that I know, especially in one of my
7 colleagues' districts, that has remained empty
8 for a number of years, there is nothing in this
9 bill that would help that situation?

10 SENATOR SEPÚLVEDA: I'm sorry.
11 Through you, Mr. President, can she ask the
12 question again?

13 ACTING PRESIDENT BENJAMIN: Please
14 repeat.

15 SENATOR RITCHIE: Sure.

16 There are a number of facilities
17 that I know have not been adapted for reuse, some
18 in my colleague's district. This bill does not
19 address that and would not make any changes to
20 help the situation?

21 SENATOR SEPÚLVEDA: Again through
22 you, Mr. President, this bill is specific to
23 these three particular closings.

24 SENATOR RITCHIE: Will the sponsor
25 continue to yield?

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR SEPÚLVEDA: I do.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR RITCHIE: Is the sponsor
7 familiar with double bunking?

8 SENATOR SEPÚLVEDA: Yes.

9 SENATOR RITCHIE: Will the sponsor
10 continue to yield?

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR SEPÚLVEDA: I do.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR RITCHIE: Does the sponsor
17 know that there are more than 6,000 inmates in
18 medium-security prisons who are currently
19 double-bunked?

20 SENATOR SEPÚLVEDA: Yes.

21 SENATOR RITCHIE: Would the sponsor
22 continue to yield.

23 ACTING PRESIDENT BENJAMIN: Does
24 the sponsor yield?

25 SENATOR SEPÚLVEDA: I do.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR RITCHIE: Does the sponsor
4 know that by doing away with the double bunk
5 there would only be 200 open beds in this state?

6 SENATOR SEPÚLVEDA: We can
7 double-check that, Mr. President.

8 SENATOR RITCHIE: Will the sponsor
9 continue to yield?

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR SEPÚLVEDA: I do.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR RITCHIE: Does the sponsor
16 realize that the space that is utilized in the
17 facility for double bunking is actually about the
18 size of a parking spot in a shopping mall, where
19 two inmates would have to share the space with
20 beds and lockers? And a correctional officer
21 would have to be able to see what is happening
22 there, which is a real issue as far as safety for
23 the inmates and safety for the correctional
24 officers.

25 SENATOR SEPÚLVEDA: Mr. President,

1 was there a question from my colleague?

2 SENATOR RITCHIE: Yes. Do you
3 realize that's the size of the space now?

4 SENATOR SEPÚLVEDA: The DOCCS
5 commissioner testified here previously and
6 indicated that the facilities that are currently
7 being used with double bunking were built for
8 double bunking, and there hasn't been an increase
9 in violence as a result of more use of double
10 bunking.

11 SENATOR RITCHIE: Will the sponsor
12 continue to yield?

13 ACTING PRESIDENT BENJAMIN: Does
14 the sponsor yield?

15 SENATOR SEPÚLVEDA: Yes.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR RITCHIE: For the record,
19 I'd just like to say I have visited my facilities
20 on a number of occasions, and there is an
21 alarming increase, which I'm told is up to
22 52 percent higher assaults on corrections
23 officers. And going in the facility and looking
24 at the small space for the inmates' safety and
25 also for the corrections officers to keep track

1 is, I think, a real concern.

2 So my question is, does the sponsor
3 not think it would be more -- will it actually be
4 better to do away with the double bunking than to
5 close three correctional facilities?

6 SENATOR SEPÚLVEDA: Mr. President,
7 I too have visited prison facilities, recently a
8 Max A. I am familiar with the living situations
9 of the inmates.

10 I rely heavily on the opinion of the
11 commissioner, the DOCCS commissioner, who has
12 indicated that the increase in violence or even
13 against -- prisoner on prisoner or against the
14 prison officers, that that information can be
15 somewhat skewed because now even a brushing up
16 against an officer or offenses that were normally
17 not real assaults are now characterized as
18 assaults.

19 And I think that he's better
20 prepared with this information to answer that
21 than anyone else.

22 SENATOR RITCHIE: On the bill.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Ritchie on the bill.

25 SENATOR RITCHIE: First I would

1 like to thank the sponsor for your answers.
2 Though I disagree with them, I thank you for your
3 answers.

4 This plan is to ensure that prison
5 closures are justified. For me personally, after
6 looking at the correctional facilities in my
7 district, the fact that we have so many that are
8 double bunked and that there is a space the size
9 of a parking spot where two inmates have to sleep
10 and have their lockers, and a correctional
11 officer actually has to maintain the safety of
12 all the inmates in there, causes a real concern.

13 The fact that we don't know whether
14 those correctional facilities, where they will be
15 located that are going to be closed, or in fact
16 whether there is a plan to reuse the facility.
17 And I think all of us have seen many state
18 facilities that have been left empty over the
19 years.

20 So for those reasons, I will be
21 voting no on the bill.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Helming.

25 SENATOR HELMING: Thank you,

1 Mr. President. Will the sponsor yield to a few
2 questions?

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR SEPÚLVEDA: I do.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR HELMING: So on the subject
9 of our state prisons, I represent an area in
10 upstate New York where we have -- I have three
11 prisons: Five Points Correctional Facility,
12 which is the newest facility in the State of
13 New York; the Auburn Correctional Facility, which
14 is the oldest; and the Willard Drug Treatment
15 Center. They're fully integrated into our
16 communities. They're a part of our everyday
17 life, the fabric of the community.

18 And when it comes to discussions on
19 closing prisons, I have a real concern similar to
20 my colleague Senator Ritchie. To me, I hear what
21 you're saying, that the commissioner has said
22 that there is no significant relationship between
23 double bunking and violence that goes on.
24 However, I would suggest that the statistics show
25 that that is not the case. We have seen such a

1 rise in inmate-on-inmate violence -- that's
2 increased from 860 assaults in 2014 to almost
3 1200 assaults in 2018. We've seen a 30 percent
4 increase across the State of New York in assaults
5 on staff.

6 And when it comes to double bunking,
7 my question for the sponsor is this. Do you have
8 any evidence, hard factual evidence, or have any
9 studies been done to show that double bunking
10 doesn't increase violence or lead to violence?

11 SENATOR SEPÚLVEDA: Through you,
12 Mr. President. With all due respect to my
13 colleague, I think the person in charge of our
14 correctional system is in a better position to
15 tell us whether there has been a significant
16 increase in crime against correction officers or
17 inmate on inmate. He testified at the hearing
18 and indicated that that is not the case. He was
19 pretty confident in his testimony. I have to
20 rely on that person.

21 I am myself making it a point to
22 visit every facility, every single facility in
23 the State of New York, to get more information.
24 Right now that is what is before me.

25 SENATOR HELMING: Through you,

1 Mr. President. Is the commissioner appointed by
2 the Governor?

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR SEPÚLVEDA: I'm sorry?

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR SEPÚLVEDA: Yes.

9 I'm sorry, ask the question again.

10 ACTING PRESIDENT BENJAMIN: Please
11 ask the question again.

12 SENATOR SEPÚLVEDA: Through you,
13 Mr. President, may she ask the question again.

14 SENATOR HELMING: To the sponsor,
15 is the commissioner appointed by the Governor?
16 And do you believe that the commissioner is
17 totally independent-thinking? When his boss, the
18 Governor, states that he wants to close prisons,
19 is the commissioner likely to speak out against
20 that or to go against the Governor?

21 SENATOR SEPÚLVEDA: Through you,
22 Mr. President, I would only hope that an
23 individual who has such an important task would
24 be truthful at all times.

25 We have other individuals that are

1 appointed by either the President or the
2 Governor, and we have to rely on their
3 information.

4 The commissioner has also indicated
5 that 90 percent of these alleged assaults in the
6 prisons did not result in any kind of
7 hospitalization. This is data that he has that I
8 have to rely on.

9 SENATOR HELMING: Mr. President,
10 will the sponsor continue to yield?

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR SEPÚLVEDA: I do.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR HELMING: Does the sponsor
17 have any evidence that talks about how many of
18 those double-bunking situations have been
19 approved through the variance process, versus how
20 many are just used by the individual prisons on
21 an as-needed basis?

22 SENATOR SEPÚLVEDA: Through you,
23 Mr. President, the information I have, again,
24 comes from DOCCS, and I have to rely on that
25 information.

1 SENATOR HELMING: Mr. President,
2 through you, will the sponsor continue to yield?

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR SEPÚLVEDA: I do.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR HELMING: So I'm going to
9 take that as a no, you do not have the answer to
10 that question, and move on to talk about
11 contraband in our prisons, which is -- it's just
12 horrendous. Last week the Auburn Correctional
13 Facility was shut down because there were a
14 number of assaults, and during the shutdown
15 period they discovered -- 86 weapons were found.

16 I've held town hall meetings where
17 I've had parents come in to talk to me about
18 their sons who are incarcerated and who are
19 struggling to get off of drugs because of the
20 amount of drugs that are entering our prison
21 systems.

22 There is a contraband bill that's
23 been before this body, it would improve visitor
24 screenings. I'm wondering, is there anything in
25 this budget to reduce contraband entering the

1 state prison system and jeopardizing the health
2 and safety of state employees and prisoners?

3 SENATOR SEPÚLVEDA: Through you,
4 Mr. President, we can continue to raise and
5 discuss this issue after the budget.

6 SENATOR HELMING: Through you,
7 Mr. President, it's a simple yes or no response.

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR HELMING: Is there anything
11 in the budget to -- that would help further
12 reduce the contraband that's entering our prisons
13 and jeopardizing the safety of our state
14 employees and the prisoners?

15 SENATOR SEPÚLVEDA: Through you,
16 Mr. President, the answer is no. But I'm not
17 sure -- we're talking about closing facilities,
18 and my colleague has raised another issue about
19 contraband in facilities. So I'm not sure how it
20 connects to our closing the facilities.

21 SENATOR HELMING: Moving on,
22 Mr. President, through you.

23 ACTING PRESIDENT BENJAMIN: On the
24 bill? Or are you asking --

25 SENATOR HELMING: I'm asking a

1 question.

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield?

4 SENATOR SEPÚLVEDA: Yes.

5 ACTING PRESIDENT BENJAMIN: The
6 sponsor yields.

7 SENATOR HELMING: So my question
8 is, there is language that says -- or the sponsor
9 has stated that community studies will be done to
10 determine the impacts of the prison closures and
11 whether or not any funding will be provided to
12 the communities.

13 My question is when you're looking
14 at impacts to the communities, is there any
15 consideration that's going to be given to
16 infrastructure that's tied to the prisons?
17 Whether that's water treatment systems, sewer
18 treatment plants, whatever, will that be
19 considered?

20 SENATOR SEPÚLVEDA: It's included
21 in the Executive's reuse plan that he has
22 included. It is part of the discussion that we
23 had with the Executive.

24 And just to answer a prior question,
25 96 percent of those impacted by closures are

1 still employed by the state.

2 SENATOR HELMING: Thank you.

3 Mr. President, through you, I'm
4 wondering if the sponsor will yield to a question
5 regarding Part WW of the PPGG bill.

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR HELMING: This is related
9 to the domestic violence.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR SEPÚLVEDA: I'm sorry,
13 what's the last statement? I'm sorry. Through
14 you, Mr. President, I didn't hear the ...

15 SENATOR GIANARIS: Mr. President,
16 Senator Bailey will answer those questions.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Bailey, would you yield?

19 SENATOR BAILEY: Gladly,
20 Mr. President. Gladly.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields.

23 SENATOR HELMING: Thank you.
24 through you, Mr. President. In Part WW of the
25 PPGG bill, language is included to change the

1 sentencing guidelines for certain domestic
2 violence cases. For the past eight years, this
3 body has passed Brittany's Law, which would help
4 protect potential domestic violence victims by
5 creating a Domestic Violence Offenders Registry.
6 Is there any language in this budget to create a
7 domestic violence offenders database or to
8 utilize an existing database, perhaps like the
9 Violent Sexual Predator Database, with the intent
10 of providing information that could help protect
11 potential victims?

12 SENATOR BAILEY: Through you,
13 Mr. President, there is not.

14 SENATOR HELMING: Through you,
15 Mr. President, will the sponsor continue to
16 yield?

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield?

19 SENATOR BAILEY: Certainly.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR HELMING: It is my
23 understanding that there's six counties in
24 New York State that do not currently have
25 domestic violence shelters for the protection of

1 victims and their families. This has been a
2 priority of mine to do whatever I can to help
3 domestic violence victims and their families.

4 At least three of those counties are
5 in my district or close to my district. They're
6 rural upstate communities. Is there any funding
7 in this budget to address the lack of domestic
8 violence shelters in upstate New York or anywhere
9 in New York State?

10 SENATOR BAILEY: Through you,
11 Mr. President, the specificity of that is unknown
12 right now, but I would be certain it would not be
13 in this bill, the PPGG bill.

14 SENATOR HELMING: Through you,
15 Mr. President, will the sponsor -- I have a
16 question on broadband.

17 ACTING PRESIDENT BENJAMIN: Will
18 the sponsor continue to yield?

19 SENATOR BAILEY: Yes. Is it on the
20 same -- Mr. President, is this on the same
21 matter?

22 SENATOR HELMING: It's on
23 broadband. Part CCC of the PPGG bill creates the
24 Voter Enfranchisement Modernization Act of 2019.
25 I'd like to ask the sponsor to yield to

1 questions.

2 SENATOR GIANARIS: Mr. President,
3 please recognize Senator Myrie.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Myrie, do you yield for questions?

6 SENATOR MYRIE: Yes.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR HELMING: Thank you,
10 Mr. President. Through you.

11 Senator Myrie, Part CCC of the PPGG
12 bill creates the Voter Enfranchisement
13 Modernization Act of 2019, which involves an
14 electronic personal voter registration process.
15 Throughout the budget process, throughout the
16 hearing process, we heard from numerous people
17 about the lack of broadband services throughout
18 large swaths of New York State. Is there any
19 additional funding for broadband services
20 contained in this bill or any other bill that
21 would help with the electronic voter
22 registration?

23 SENATOR MYRIE: Through you,
24 Mr. President, no.

25 SENATOR HELMING: No funding.

1 SENATOR MYRIE: (Shaking head).

2 SENATOR HELMING: Thank you,
3 Mr. President.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Gallivan.

6 SENATOR GALLIVAN: Yes,
7 Mr. President. Thank you. I am looking to ask
8 some questions of the sponsor on Part RR
9 regarding use of force reporting.

10 SENATOR GIANARIS: Mr. President,
11 Senator Bailey will be available for those.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Bailey, do you yield for questions?

14 SENATOR BAILEY: Certainly.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR GALLIVAN: So for the sake
18 of other members in the chamber, this deals with
19 reporting the use of force by law enforcement
20 agencies to DCJS on an annual basis. And the
21 bill in particular describes the different types
22 of instances that must ultimately be reported.
23 And it's that in particular that I have questions
24 about.

25 Several of the provisions use the

1 word "brandishes." For example, brandishes,
2 uses, or discharges a firearm; brandishes, uses
3 or deploys an impact weapon.

4 Could the sponsor tell me what is
5 the intent of using that word "brandish"?

6 SENATOR BAILEY: Through you,
7 Mr. President, this use of force policy is a
8 policy that we're looking to enact statewide so
9 that we can have uniform policies concerning the
10 use of force by police departments statewide.

11 Individuals want to trust their
12 police officers, as well they should. They enter
13 into a noble profession. However, when force is
14 instituted into an action, we have to be mindful
15 that the public needs to know what is happening
16 with their officers, how they are engaging on a
17 day-to-day basis with the constituents that they
18 represent.

19 SENATOR GALLIVAN: Would the
20 sponsor continue to yield?

21 ACTING PRESIDENT BENJAMIN: Does
22 the sponsor yield?

23 SENATOR BAILEY: Through you,
24 Mr. President, yes.

25 ACTING PRESIDENT BENJAMIN: The

1 sponsor yields.

2 SENATOR GALLIVAN: I appreciate the
3 intent of this. And I agree, we give police
4 officers tremendous responsibilities. They have
5 awesome responsibilities and awesome powers, and
6 certainly it should not be done in secrecy, and
7 certainly there should be adequate policies in
8 place to prevent abuse.

9 And so my concern isn't so much with
10 the notion of reporting uses of force by police,
11 my concern becomes a little bit more about what
12 certain words mean and then what it means for the
13 police officer doing their job.

14 In another section, the word
15 "displays" is used, "displays, uses or deploys a
16 chemical agent." And when I look up the various
17 definitions of "brandish" or "display," we see
18 things like "exhibited in a place easily seen,
19 make visible, to wave a weapon or other object
20 around in your hand so other people can see it."

21 And so my concern becomes what those
22 words mean as it relates to reporting and the
23 police officer's job that they do on a daily
24 basis that we could -- we could really hinder
25 what they're doing.

1 So going back the question would be,
2 keeping that whole long preamble in mind, what is
3 intended with the words in here? The word
4 "brandish," the word "display." How is that
5 interpreted when it comes to actually reporting
6 an incident?

7 SENATOR BAILEY: Certainly.
8 Through you, Mr. President, the term "brandish"
9 in this context means to take out, to wave about.
10 And in that context, if a civilian is faced in an
11 encounter when an officer of the law who carries
12 firearms around, it may be reasonable -- not may
13 be, it is rather reasonable for us to think about
14 how we should be accounting these uses of force
15 or potential uses of force, Mr. President.

16 SENATOR GALLIVAN: Does the sponsor
17 continue to yield?

18 ACTING PRESIDENT BENJAMIN: Does
19 the sponsor yield?

20 SENATOR BAILEY: Yes,
21 Mr. President.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR GALLIVAN: Is there
25 anywhere in the legislation that ultimately

1 requires the commissioner of DCJS to promulgate
2 regulations regarding this so that all law
3 enforcement agencies are on the same page and
4 using the same definition in reporting?

5 SENATOR BAILEY: Through you,
6 Mr. President, no, but it would be implied in the
7 uniform use, in the uniform implementation of
8 such a policy.

9 SENATOR GALLIVAN: I'm sorry, would
10 the sponsor repeat that?

11 ACTING PRESIDENT BENJAMIN: Could
12 you please repeat it?

13 SENATOR BAILEY: Repeat it or
14 continue to yield?

15 ACTING PRESIDENT BENJAMIN: He said
16 repeat.

17 SENATOR BAILEY: No, it's not
18 specifically stated. But it would be implied, as
19 we are implementing a statewide use of force
20 policy.

21 SENATOR GALLIVAN: Is there any --
22 would the sponsor continue to yield?

23 ACTING PRESIDENT BENJAMIN: Does
24 the sponsor yield?

25 SENATOR BAILEY: Certainly.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR GALLIVAN: Is there
4 anything in the legislation that provides for the
5 actual definition of these words that are used,
6 specifically "brandishes" or "displays"?

7 SENATOR BAILEY: Through you,
8 Mr. President, the division would have the
9 authority to regulate that.

10 SENATOR GALLIVAN: On the bill.

11 ACTING PRESIDENT BENJAMIN: Senator
12 Gallivan on the bill.

13 SENATOR GALLIVAN: I'd like to
14 thank the sponsor for taking the time to discuss
15 this.

16 I would reiterate and share some of
17 the same thoughts about this that the sponsor
18 does, that police officers, we give them awesome
19 powers and responsibilities, the use of force and
20 deadly physical force among them.

21 The specific things that we talk
22 about here, use of a firearm, use of a chokehold
23 or similar restraints, the use of baton, billy
24 club, stun gun, things of that nature, it is very
25 appropriate for us to say we're giving you these

1 powers, we want to make sure they're not abused,
2 and we want to know about your use of them as
3 time goes on.

4 I'm very concerned, though, that in
5 this legislation that the use of several of these
6 words, "brandishes" and "displays" specifically,
7 where it is not defined, has the potential, if
8 not properly defined, given the intent of this
9 legislation -- and if we don't further define it
10 as legislators, I think it would be appropriate
11 that we did -- to severely hamstring the police,
12 very unwieldy for them, and negatively impact
13 their ability to protect us.

14 So when we think of a police officer
15 displaying pepper spray, for instance, where the
16 definition of pepper spray is -- or the
17 definition of "display" is presentation in open
18 view, they wear that on their belt. It's in
19 public view. Everybody can see that every time
20 they go to work. Given this definition, if
21 somebody puts some crazy, wide, broad guidelines
22 out there, they'd have to report every day what
23 they have.

24 The taking of a weapon out when they
25 may be searching a building or going into a

1 dangerous complaint, if the weapon is not used --
2 again, potentially the definition of
3 "brandishing."

4 So I am very concerned about that.
5 I know that we do not have the ability to amend
6 this today. I think it's a valid concern going
7 forward that we do need to address.

8 And I do thank the sponsor for his
9 debate.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Little.

12 SENATOR LITTLE: Thank you,
13 Mr. President.

14 Would the sponsor yield for a
15 question in regard to the prisons?

16 SENATOR SEPÚLVEDA: I yield,
17 Mr. President.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR LITTLE: Thank you. I have
21 a question for the sponsor in regard to shock
22 treatment.

23 In my district I have nine state
24 prisons and one federal prison. And one of them
25 is a shock treatment facility, which is a program

1 which helps inmates who are within years of being
2 eligible for parole to apply for this. And they
3 get a lot of discipline, self-discipline,
4 counseling, as well as drug and alcohol
5 treatment. And it's a six-month program, an
6 excellent program.

7 In the Governor's proposal he had
8 proposed that not only could there be more shock
9 incarceration, inmates going into the program,
10 but it said that a judge could directly send
11 someone to a shock program.

12 Part KK of the budget modifies the
13 Executive proposal, and it has to ensure that it
14 applies only to individuals who are in the
15 custody of the Department of Corrections and
16 Community Supervision. Can you explain to me --
17 can the sponsor explain to me why this occurred?

18 SENATOR SEPÚLVEDA: Through you,
19 Mr. President, we have expanded the program, but
20 we have not changed what judges can do.

21 SENATOR LITTLE: So do I understand
22 correctly --

23 SENATOR SEPÚLVEDA: And by the way,
24 I agree with my colleague that it's a wonderful
25 program.

1 SENATOR LITTLE: So do I understand
2 the sponsor could tell me that that has not
3 changed? So it was not listed in the book that
4 you modified the program and ensured that they
5 had to be in the supervision of Corrections. So
6 a judge could not directly send one, was my
7 understanding.

8 SENATOR SEPÚLVEDA: Through you,
9 Mr. President, judges can still send individuals
10 to a shock program.

11 SENATOR LITTLE: Okay, thank you.

12 Another question I have is --

13 ACTING PRESIDENT BENJAMIN: Would
14 the sponsor yield?

15 SENATOR LITTLE: -- would the
16 sponsor yield --

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield?

19 SENATOR SEPÚLVEDA: Yes.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR LITTLE: -- and explain
23 that -- Part TT says that we're going to vote
24 before us, on this bill, to authorize two prison
25 closures and to provide for an increased notice

1 period.

2 From what I understand from the
3 previous questioning is that later today we're
4 going to vote to close up to three prisons. Can
5 you explain the difference, and why?

6 SENATOR SEPÚLVEDA: So through you,
7 Mr. President, if you look at the trend in
8 populations of incarcerated individuals, that
9 trend is that you have a pretty substantial
10 decrease in population of inmates. And so that
11 with that in mind, the Executive -- the language
12 does say up to three, but in our discussions with
13 the Executive we've discussed two right now.

14 SENATOR LITTLE: But if I could ask
15 the sponsor please --

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor continue to yield?

18 SENATOR SEPÚLVEDA: I do.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR LITTLE: But later tonight
22 we're going to talk about up to three. I just
23 think we have two votes on this issue. I prefer
24 this vote, with just two.

25 All right, I have another point I'd

1 like to make, if I could, with the sponsor.

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield?

4 SENATOR SEPÚLVEDA: Absolutely.

5 ACTING PRESIDENT BENJAMIN: The
6 sponsor yields.

7 SENATOR LITTLE: The question was
8 asked about the reuse of closed prisons. I can
9 tell you that I've had three prisons in my
10 district closed and a 200-bed minimum: Camp
11 Gabriels, Great Meadows -- not Great Meadows.
12 Camp Gabriels, Lyon Mountain, Chateaugay Prison,
13 and a 200-bed annex at Washington Correctional.
14 They are all empty still. And thank you.

15 On the bill.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Little on the bill.

18 SENATOR LITTLE: Thank you.

19 I don't believe we should keep
20 prisons open if we don't have inmates. However,
21 one of the things that has needed to be done is
22 to get rid of the double bunking. Great Meadows,
23 which is one of the older correctional facilities
24 in my district, has inmates in smaller cells, and
25 there were two in all. To the department's

1 credit, they went to single cells entirely. It
2 changed the atmosphere, changed the discipline,
3 changed the actual quality of the inmates, having
4 their own cell.

5 But we still have these dormitories
6 in many of the medium-security prisons. And if
7 you've never been in one, it's one large room
8 with cubicles. There are 50 cubicles. There is
9 one guard on a platform elevated about this much
10 off the floor, surveying and watching 60 inmates.
11 Because on the back 10 rows, sharing the small
12 cubicle, is a second inmate who sleeps on the top
13 of a bunk bed, probably for sometimes six months,
14 eight months, whatever time he's in that
15 dormitory.

16 Before we start closing prisons I
17 think we need to look at having smaller
18 dormitories, more controllable, better for the
19 inmate, safer for the correction officers and the
20 inmates all the way around.

21 All of the mental health inmates
22 that the Corrections Department has had to deal
23 with take up more space in all. And all of those
24 things should be looked at.

25 As I said, I have nine state

1 facilities, and we have them because the people
2 in the North Country were welcoming, because the
3 land was less expensive. And they have worked
4 well and they are part of our economy as well.
5 But we also have wonderful, good correction
6 officers in our district as well.

7 So thank you for your time.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Akshar.

10 SENATOR AKSHAR: Thank you,
11 Mr. President. Would Senator Sepúlveda yield to
12 a question?

13 ACTING PRESIDENT BENJAMIN: Does
14 the --

15 SENATOR AKSHAR: Excuse me.
16 Mr. President, I have a question about prison
17 closures and then about Part RR. So I'd like to
18 first ask Senator Sepúlveda a question and then
19 Senator Bailey, if he'd be so kind to yield.

20 ACTING PRESIDENT BENJAMIN: Does
21 Senator Sepúlveda yield?

22 SENATOR SEPÚLVEDA: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR AKSHAR: Thank you,

1 Mr. President.

2 Through you, Mr. President, when
3 Senator Sepúlveda was discussing how you arrived
4 at the decision about the prison closures, so on
5 and so forth, you put a lot of weight into that
6 decision-making process for the commissioner, the
7 commissioner who is appointed by the Governor.

8 My question -- through you,
9 Mr. President -- is in making those decisions,
10 did the sponsor take into account what the men
11 and women of NYSCOPBA thought? And if the
12 sponsor doesn't know who they are, they are the
13 hardworking men and women who work tirelessly
14 every single day to keep the inmates safe within
15 state facilities but also work incredibly hard to
16 keep themselves safe.

17 SENATOR SEPÚLVEDA: Through you,
18 Mr. President, I am very familiar with who they
19 are. In fact, as the chair of this committee
20 I've had multiple meetings, multiple discussions
21 with them, I've gotten their input. Clearly
22 they're not happy with everything. But certainly
23 we have a very open dialogue where they give me
24 information and I try to use that in my
25 deliberations. But absolutely we take into

1 consideration they are there.

2 I was just in Great Meadows myself,
3 and I spoke with many of the members there.
4 Their discussion with me about this is not as
5 dire as my colleagues on the other side are
6 saying. But we'll leave that for another day.

7 But the reality is that as part of
8 this closing, if you look at the past history of
9 facilities that have been closed, over 94 percent
10 of these individuals have been rehired by the
11 state. So that -- that is -- if that doesn't
12 indicate the seriousness that the Executive and
13 we have to make sure that the members are taken
14 care of, then I don't know what else will.

15 SENATOR AKSHAR: Mr. President,
16 through you. I'm less concerned about people
17 being rehired --

18 ACTING PRESIDENT BENJAMIN: Are you
19 asking the sponsor to yield or are you on the
20 bill?

21 SENATOR AKSHAR: I'm on the bill,
22 and then I'll ask the --

23 ACTING PRESIDENT BENJAMIN: Senator
24 Akshar on the bill.

25 SENATOR AKSHAR: I'm less concerned

1 about these folks being rehired and -- I know
2 that that's a cause of concern and I too,
3 Senator, am concerned about that. What I am
4 concerned with is if we are making education
5 decisions, I know that nobody in this room,
6 especially my friends on the other side of the
7 room, they certainly don't not talk to teachers,
8 they don't not listen to what the teachers have
9 to say in making education decisions.

10 So the point I make about this is
11 that I would certainly hope that when making
12 decisions about prison closures and whether or
13 not we should be double-bunking inmates, so on
14 and so forth, that the hardworking men and women
15 of NYSCOPBA are being spoken to and we're
16 listening to what they have to say.

17 So, Mr. President, if the sponsor
18 would continue to yield.

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR SEPÚLVEDA: Yes.

22 ACTING PRESIDENT BENJAMIN: The
23 Senator yields.

24 SENATOR AKSHAR: You describe the
25 situation as not as dire as some would have you

1 believe. The members of NYSCOPBA, are they
2 concerned with additional double-bunking
3 situations throughout the state, or an increased
4 amount of double-bunkings?

5 SENATOR SEPÚLVEDA: Some of the
6 members I've spoken with have shown that they are
7 concerned, and others have not.

8 SENATOR AKSHAR: Thank you. That's
9 all on this particular issue.

10 Mr. President, through you, would
11 Senator Bailey yield to a couple of questions?

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR BAILEY: Certainly.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR AKSHAR: Senator, whose
18 idea was this particular provision? How did we
19 arrive here at this particular provision?

20 SENATOR BAILEY: Through you,
21 Mr. President, this issue was put forth by the
22 Executive, and in discussions with both houses of
23 the Legislature we improved it to the point that
24 you see before you today.

25 SENATOR AKSHAR: Mr. President,

1 through you, if the sponsor would continue to
2 yield.

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR BAILEY: Absolutely.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR AKSHAR: You said it was
9 initially put forth by the Executive. Was this
10 particular provision put forth by the Executive,
11 or was the creation of an Office of Special
12 Investigation put forth by the Executive?

13 SENATOR BAILEY: Through you,
14 Mr. President, the executive did in fact offer
15 the Office of Special Investigation, but that is
16 not before us today in this particular bill.

17 SENATOR AKSHAR: Mr. President,
18 through you, if the sponsor would continue to
19 yield.

20 ACTING PRESIDENT BENJAMIN: Will
21 the sponsor yield?

22 SENATOR BAILEY: Absolutely.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR AKSHAR: Would this use of

1 force issue have fallen under the auspices of the
2 Office of Special Investigation?

3 SENATOR BAILEY: Through you,
4 Mr. President, it would not.

5 SENATOR AKSHAR: Mr. President,
6 through you, if the sponsor would continue to
7 yield.

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR BAILEY: Yes.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR AKSHAR: So was this use of
14 force issue a side-bar conversation after the
15 Majority, the Assembly and the Governor agreed
16 not to create an Office of Special Investigation?

17 SENATOR BAILEY: No, this was in --
18 through you, Mr. President, this was in the
19 Governor's initial Executive Budget. We have
20 modified it to create more clarity concerning use
21 of force. It was alongside the special
22 prosecutor's matter.

23 SENATOR AKSHAR: Mr. President,
24 will the sponsor continue to yield?

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR BAILEY: Yes.

3 ACTING PRESIDENT BENJAMIN: The
4 sponsor yields.

5 SENATOR AKSHAR: What did we do to
6 further clarify the use of force issue, as you've
7 suggested?

8 SENATOR BAILEY: Through you,
9 Mr. President, within the confines of the bill we
10 have detailed specifically what use of force
11 means.

12 SENATOR AKSHAR: Thank you,
13 Mr. President. If the sponsor would continue to
14 yield.

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR BAILEY: Absolutely.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR AKSHAR: Senator, why is
21 this particular bill necessary?

22 SENATOR BAILEY: Through you,
23 Mr. President, for many of the reasons that I
24 mentioned before. I have great respect and
25 members of this conference have great respect for

1 law enforcement. Simply stated -- through you,
2 Mr. President. Simply stated, Senator, we simply
3 just want to make sure that when police officers
4 are engaging in a profession that is very
5 difficult, that is burdensome, that we want to
6 know exactly how and why officers of the law are
7 utilizing force.

8 SENATOR AKSHAR: Mr. President,
9 through you, if the sponsor would continue to
10 yield.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR BAILEY: Certainly.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR AKSHAR: What in this
17 particular bill would allow you to understand why
18 and how officers are using force?

19 SENATOR BAILEY: Through you,
20 Mr. President, the data that would be promulgated
21 by this report has -- they have to include
22 specific information, such as the circumstances
23 surrounding the use of force, the date, the time,
24 the individuals involved, that gives a clearer
25 picture as to why and how use of force is taking

1 place in our great state.

2 SENATOR AKSHAR: Sponsor continue
3 to yield?

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR BAILEY: Certainly.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AKSHAR: Mr. President,
10 through you, what would happen if an agency did
11 not capture this data? The point I make is if a
12 bad guy said, you know, a member of law
13 enforcement brandished their Taser and they
14 didn't capture that information, what would
15 happen?

16 SENATOR BAILEY: Through you,
17 Mr. President, it would be in violation of the
18 law and in violation of this policy, which would
19 be promulgated as a result of the passage of this
20 use of force.

21 SENATOR AKSHAR: Mr. President,
22 through you, if the sponsor would continue to
23 yield.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR BAILEY: Yes.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR AKSHAR: Senator, so there
5 are currently no punishments, if you will, for
6 violating this current provision of statute.
7 You're suggesting that after DCJS promulgates
8 these regulations and rules there may in fact be
9 some kind of punishment.

10 SENATOR BAILEY: I would say --
11 through you, Mr. President -- that anything is
12 possible. It is not the intent of this use of
13 force policy to penalize police departments or
14 police officers. We simply, once again, want to
15 know how and why force is being used statewide.

16 SENATOR AKSHAR: Mr. President,
17 through you, if the sponsor would continue to
18 yield.

19 ACTING PRESIDENT BENJAMIN: Will
20 the sponsor yield?

21 SENATOR BAILEY: Yes.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR AKSHAR: I heard the
25 sponsor earlier refer to creating a statewide use

1 of force policy.

2 Are we making any changes to the use
3 of force continuum or how the use of force is
4 specifically delineated in Article 35 of the
5 New York State Penal Law?

6 SENATOR BAILEY: Through you,
7 Mr. President, passage of this bill would allow
8 DCJS to promulgate these model rules, and it
9 would comply with current law.

10 SENATOR AKSHAR: If the sponsor
11 would continue to yield.

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR BAILEY: Absolutely.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR AKSHAR: If a member of law
18 enforcement responded to an open door, a burglar
19 alarm, if you will, and he or she was searching
20 that residence because there was a potential
21 break-in, and while doing so the member
22 unholstered their weapon and searched the
23 residence, would they have to fill out this form
24 that we expect DCJS to promulgate?

25 SENATOR BAILEY: Through you,

1 Mr. President, Senator Akshar provides an
2 interesting matter. I think it would be based
3 upon the totality of circumstances -- whether
4 there were individuals in the home, what was
5 happening.

6 You know, again, these rules that we
7 are promulgating are very context-specific. So I
8 wouldn't have a specific answer in that specific
9 instance as to whether that form would need to be
10 filled out in this matter.

11 SENATOR AKSHAR: Would the sponsor
12 continue to yield?

13 ACTING PRESIDENT BENJAMIN: Does
14 the sponsor yield?

15 SENATOR BAILEY: Certainly.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR AKSHAR: Okay, well, let me
19 take it a step further. If the member of law
20 enforcement is dealing with an unruly subject and
21 he or she unholsters their Taser and says to that
22 person, "Comply with my orders or I will Tase
23 you," would they have to fill out this report?

24 SENATOR BAILEY: Through you,
25 Mr. President, yes.

1 SENATOR AKSHAR: Okay, thank you.
2 Mr. President, if the sponsor will continue to
3 yield.

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR BAILEY: Yes, I do.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AKSHAR: Do agencies
10 throughout this state currently capture use of
11 force data?

12 SENATOR BAILEY: Through you,
13 Mr. President. Currently the NYPD does, and the
14 federal government will shortly require the
15 collection of this data.

16 SENATOR AKSHAR: Mr. President,
17 through you, if the sponsor will continue to
18 yield.

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR BAILEY: Absolutely.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR AKSHAR: I'm a little
25 confused as to the federal part. Is the sponsor

1 suggesting that the federal government is now
2 going to mandate all law enforcement agencies
3 capture use of force data?

4 SENATOR BAILEY: Through you,
5 Mr. President, they are in the process of
6 collecting the data. However, I'm not sure if
7 it's mandatory.

8 SENATOR AKSHAR: Mr. President,
9 through you, if the sponsor would continue to
10 yield.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR BAILEY: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR AKSHAR: If there was --
17 we're going to collect this data, DCJS is going
18 to compile that report and they're going to make
19 that report public every year. If there was a
20 high number of incidents surrounding the use of
21 force, what would happen then to that particular
22 agency?

23 SENATOR BAILEY: I would posit that
24 we would have the data so that we can make a
25 policy perspective and something going forward.

1 It's the same reason why we have legislative
2 hearings before we enter into actions sometimes.
3 We get a greater scope of what's taking place so
4 that we can make actions thereafter.

5 SENATOR AKSHAR: Through you, if
6 the sponsor would continue to yield.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR BAILEY: Yes.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR AKSHAR: Is it the position
13 of this body that members of law enforcement are
14 untrustworthy?

15 SENATOR BAILEY: Through you,
16 Mr. President, no. And nothing that I've said or
17 that's within the confines of this bill would
18 anywhere nearly go near saying that.

19 So no, Mr. President.

20 SENATOR AKSHAR: Well, let me
21 just -- let me put on the record that I wasn't
22 suggesting that you feel that way. I was just
23 simply asking a blanket -- through you,
24 Mr. President.

25 ACTING PRESIDENT BENJAMIN: Are you

1 asking --

2 SENATOR AKSHAR: I'm on the bill.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Akshar on the bill.

5 SENATOR AKSHAR: I wasn't
6 suggesting for a moment that the sponsor feels
7 that way. What I was suggesting is earlier we
8 had made -- you had made the statement that we
9 want to -- as a society we want to be able to
10 trust our officers. And while many agencies
11 throughout this state already capture this data,
12 I have some concerns about this particular issue
13 and how objective it may be, you know, what does
14 "brandish" mean, what does "show" mean. I think
15 it becomes -- it could become highly problematic.

16 I just want to thank Senator Bailey
17 for answering my questions, and I'll sit for now.

18 Thank you.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Griffo.

21 SENATOR GRIFFO: Thank you,
22 Mr. President.

23 Would Senator Sepúlveda yield,
24 please?

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR SEPÚLVEDA: Yes, I do.

3 ACTING PRESIDENT BENJAMIN: The
4 sponsor yields.

5 SENATOR GALLIVAN: Thank you.
6 Thank you, Senator Sepúlveda.

7 I just want to ask a couple of
8 questions as points of clarification. Senator
9 Sepúlveda, is the final number for the
10 recommendation of prison closures two or three?

11 SENATOR SEPÚLVEDA: As per the
12 chapter amendment in Revenue, it's "up to three."

13 SENATOR GRIFFO: Will the sponsor
14 continue to yield?

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR SEPÚLVEDA: I do.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR GRIFFO: Senator Sepúlveda,
21 could you clarify that for me? Is it two or
22 three? "Up to three" does not answer two or
23 three.

24 SENATOR SEPÚLVEDA: With all due
25 respect, Senator Griffo, the language says "up to

1 three." So if you want me to say three, if that
2 clarifies it for you, I'll say three.

3 SENATOR GRIFFO: Thank you.

4 Will the sponsor continue to yield?

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield?

7 SENATOR SEPÚLVEDA: I do.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR GRIFFO: Senator, you
11 indicated that the office of the commissioner and
12 the commissioner would be making this
13 determination ultimately, correct, and that you
14 have faith and confidence in the fact that you
15 have this individual with this professional
16 expertise making that determination; correct?

17 SENATOR SEPÚLVEDA: Through you,
18 Mr. President, that's correct.

19 ACTING PRESIDENT BENJAMIN: Will
20 the sponsor continue to yield?

21 SENATOR SEPÚLVEDA: Yes.

22 ACTING PRESIDENT BENJAMIN: the
23 sponsor yields.

24 SENATOR GRIFFO: Senator Sepúlveda,
25 are you aware we have an acting commissioner in

1 the Department of Corrections?

2 SENATOR SEPÚLVEDA: Through you,
3 Mr. President, yes.

4 SENATOR GRIFFO: Will the sponsor
5 continue to yield?

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR SEPÚLVEDA: I do.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR GRIFFO: So, Senator
12 Sepulveda, should that decision be made by a
13 full-time commissioner or somebody who's serving
14 in the capacity as an acting commissioner?

15 SENATOR SEPÚLVEDA: Well, I mean,
16 this is an acting commissioner who's been in that
17 capacity for six years, so I think he's -- and
18 he's been with the agency for over 35 years. So
19 I think he's in a better position to make certain
20 decisions than certainly I am, or to provide
21 information to us more so than I am.

22 SENATOR GRIFFO: Will the sponsor
23 continue to yield?

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR SEPÚLVEDA: I do.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR GRIFFO: Senator, you
5 indicated that a study would be conducted to
6 determine whether or not there was any funding
7 for economic or community impact as a result of
8 closures, is that correct.

9 SENATOR SEPÚLVEDA: These are the
10 comments by the Executive.

11 SENATOR GRIFFO: Will the sponsor
12 continue to yield?

13 ACTING PRESIDENT BENJAMIN: Does
14 the sponsor yield?

15 SENATOR SEPÚLVEDA: I do.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR GRIFFO: Senator, are you
19 aware that in the past when there have been
20 closures, that there was actually an economic
21 impact fund, so that was a recognition and
22 acknowledgement that there should be some funding
23 for those communities who have been adversely
24 impacted as a result of this decision?

25 SENATOR SEPÚLVEDA: Just to make

1 clear, we don't oppose funding for the
2 communities. I mean, we're very supportive of
3 it.

4 SENATOR GRIFFO: Will the sponsor
5 continue to yield?

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR SEPÚLVEDA: I do.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR GRIFFO: Through you,
12 Mr. President, I understand that. I'm just
13 trying to make a determination that you're
14 accepting this and presenting this as part of a
15 document, even if it is not -- it's the position
16 of the Majority as a result of proposing and
17 presenting this.

18 So if there was any disagreement as
19 to this in that negotiation, I hope that would
20 have been articulated, because there has been
21 past recognition and an acknowledgement that this
22 was important and helpful. So why would we need
23 a study when we had precedent to show that it has
24 helped?

25 SENATOR SEPÚLVEDA: I don't see any

1 question, but -- I'm not sure I understand your
2 question, Senator Griffo. But I am going to rely
3 on the information provided and the Executive's
4 position on this issue.

5 SENATOR GRIFFO: Will the sponsor
6 continue to yield?

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR SEPÚLVEDA: I do.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR GRIFFO: So essentially,
13 Senator, what I was saying is that we've already
14 provided funding in the past, but now we're going
15 to have a study to determine whether or not we
16 can provide funding? It doesn't make sense.

17 But the last question I would have
18 is you talked about statistical data on the
19 facilities that have been closed. Do we have a
20 statistical profile that talks about how many,
21 what they have been reused for, and the success
22 rate of those facilities that have been closed
23 and whether or not it's been positive, negative,
24 or undetermined?

25 SENATOR SEPÚLVEDA: The data that

1 we do have is the rehiring or the shifting of
2 jobs or individuals and the impact on the state,
3 the savings on the state.

4 SENATOR GRIFFO: Just an addendum
5 to that, if the sponsor would continue to yield.

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR SEPÚLVEDA: I do.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR GRIFFO: Thank you,
12 Senator. I basically was talking about the reuse
13 of the facilities themselves. Not the
14 employment, but those facilities that are there
15 and can remain just in those communities. And
16 one of the things that was discussed here was
17 the -- what would be the reuse, particularly when
18 you look at locations like Senator Little
19 indicated, where there's many facilities in that
20 particular region.

21 SENATOR SEPÚLVEDA: Well, certainly
22 we can agree to work together on this. When the
23 other side was in control, was in the majority
24 here, apparently that wasn't done. But I promise
25 to you that we'll work together to make sure that

1 this impact study is done and that the Executive
2 follows the law.

3 SENATOR GRIFFO: Thank you. Thank
4 you, Senator Sepúlveda. I appreciate it.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Lanza on the bill.

8 SENATOR LANZA: Thank you,
9 Mr. President. On the bill.

10 You know, I'd like to help answer
11 this question with respect to when and how and
12 why law enforcement uses force.

13 You know, every arrest, by
14 definition, is an act of force. That's how it
15 works. You know, you may be surprised to hear --
16 and I can tell you with experience, or from
17 experience, as a former prosecutor in Manhattan,
18 that after someone robs someone at gunpoint,
19 rapes someone, murders someone, they don't show
20 up at the local precinct with an overnight bag
21 and say "Here I am." The police officers have
22 got to go out and find them. They don't just
23 throw their hands up, either, and say "Take me."
24 Every arrest is by definition an act of force.

25 Right now, right now somewhere in

1 this state not one, not 10, probably 100 members
2 of law enforcement, people who put their lives on
3 the line every day to make sure that we're safe,
4 right now one of those or a hundred of those
5 members -- State Troopers, police officers,
6 detectives -- someone right now is brandishing a
7 gun. Someone right now is displaying a weapon.
8 Maybe it's a stop on one of our highways. Maybe
9 it's to make sure that they bring a fleeing felon
10 in for justice.

11 You know why they're displaying that
12 gun and brandishing that weapon? So that they
13 can go home safe tonight to be with their
14 families. They're brandishing that weapon,
15 displaying that firearm so that they can bring
16 someone to justice and make sure that we are all
17 safe.

18 This is ludicrous. We're telling
19 police officers: Go out, bring people to
20 justice, keep us safe, but we're going to put
21 some handcuffs on you. We're going to tell you
22 think twice, think twice before you display your
23 weapon. Think twice before you take out that
24 handgun so that you can make sure that you get
25 home alive tonight. And when they think twice,

1 let me tell you what happens. By and large, they
2 lose their lives.

3 And when police officers start
4 second-guessing themselves with respect to how to
5 do their job to keep us safe, none of us are
6 safe. This is crazy. It really is. Every
7 arrest is an act of force. And unfortunately,
8 that's the only way, it's the only way to allow
9 law enforcement to keep us safe.

10 And yes, I understand discussion, a
11 legitimate discussion and conversation about the
12 improper use of force. I understand that. We
13 have laws to make sure that doesn't happen. To
14 the extent that it still happens, we should talk
15 about other measures to make sure it doesn't
16 happen. This is not one of them. This is not
17 keeping us safe from improper force. This is
18 putting a chilling effect on the legitimate use
19 of force by law enforcement to keep us safe.
20 It's just nuts.

21 I can't in good conscience, as a
22 former prosecutor, Mr. President, and as a
23 representative of the people back home, I can't
24 in good conscience vote in the affirmative for
25 this.

1 You know, this budget -- I hear a
2 lot of talk about the things we could do for
3 those who are accused of crimes. Fine. I don't
4 hear about what we're doing for those people who
5 are enforcing the law, who put their lives on the
6 line every day in this state to make sure we can
7 go about our lives safely.

8 This budget woefully and
9 inadequately funds law enforcement. This budget
10 falls far short of providing resources that
11 police officers and troopers and detectives and
12 correction officers need to keep us safe.

13 You know, when law enforcement --
14 State Troopers, police officers, correction
15 officers -- I can go on -- when they universally
16 oppose the public protection portion of our
17 budget in the State of New York, that's a sure
18 sign that this budget falls short in ensuring
19 that the public is safe. And for those and a
20 number of other reasons, I vote no,
21 Mr. President.

22 ACTING PRESIDENT BENJAMIN: Senator
23 LaValle on the bill.

24 SENATOR LaVALLE: Thank you,
25 Mr. President.

1 I was not going to rise, but Senator
2 Lanza's comments hit home. Every Christmas Eve I
3 throw a party for the family, and as part of my
4 family, I have a nephew who is part of the
5 New York City Police Department. And we talk
6 about some of the things -- like when the issue
7 came up on the officer that was accused of
8 inappropriately using a chokehold, and on and on
9 and on.

10 But one thing that I've learned,
11 because it's family, is that you start off your
12 day and you see, as a police officer, someone
13 trying to steal a woman's car. So you respond,
14 you respond to that, and you next find yourself
15 in a situation where the individual sees the
16 police officer, says, Oh, boy, I better get out
17 of here, and starts taking off. The police
18 officer takes chase. The individual feels, well,
19 this guy is pretty fast, so he stops, turns and
20 fires at the police officer.

21 So every day our officers are being
22 confronted by new situations where they have to
23 respond quickly. And thank you, Senator Lanza;
24 as you often do on these issues, you really get
25 down in the nitty-gritty. And I'm going to vote

1 no on the bill.

2 ACTING PRESIDENT BENJAMIN: Are
3 there any other Senators wishing to be heard?

4 Seeing and hearing none, the debate
5 is closed.

6 The Secretary will ring the bell.

7 Read the last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect immediately.

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN: Senator
14 Bailey to explain his vote.

15 SENATOR BAILEY: Thank you,
16 Mr. President.

17 I thank my colleagues for engaging
18 in what I thought legitimately to be a meaningful
19 debate. But let me tell you about my views on
20 this bill and some of the statements that I've
21 heard from my good friends across the aisle. And
22 I don't say good friends facetiously. Senator
23 Lanza is somebody who I respect highly, but I'm
24 just going to take a little bit of a disagreement
25 with him today.

1 It may surprise you to know that I
2 held something in my district to bridge the gap
3 between police and community because of my
4 respect for law enforcement. Because of the
5 belief that a community is only as strong -- a
6 community is strong together along with the
7 police. But what I can't hear is that something
8 that makes police accountable for the use of
9 force is somehow inherently anti-police. That is
10 just not true.

11 I would ask -- we talk about the
12 parade of horrors, as one of my colleagues has
13 coined, and we talk about all of the things that
14 we hear high profile. But let's talk about the
15 13-year-old boy that's getting his braces
16 tightened and he's thrown in a police van.
17 Where's the use of force with that? What about
18 the 14-year-old boy that is at a bus stop and is
19 accused by three officers of loitering at a bus
20 stop? Where is the use of force policy around
21 that?

22 You see, I live in the real world,
23 Mr. President. I live in the real world where
24 every day people are sometimes stopped by police,
25 and sometimes we needed answers as to why they

1 are using force, Mr. President. Sometimes we
2 need answers.

3 This is not to say that you should
4 not use force. But we want to know why you are
5 using force, Mr. President. In case you haven't
6 noticed, those two examples were a 13- and a
7 14-year-old Jamaal Bailey. In the Bronx,
8 New York, minding his business. You can look it
9 up. Got no arrest record ever. Ever. But the
10 amount of times that I've been detained by police
11 and stopped by police is more than I can count on
12 my hands and feet. Not to vilify officers, the
13 very officers that my office stood with yesterday
14 at Monroe College to celebrate and let the
15 community know why it's important to them, why
16 police are important.

17 Mr. President, making sure that
18 people can fill out a form so that we can get
19 data so that we can all be better is not
20 something that's anti-police. It's something
21 that is better for the entire community. And
22 there are so many other great things in this bill
23 that I would like to have spoken about, but I
24 know my two minutes plus is coming to an end,
25 Mr. President, and I will end there.

1 I'll probably vote aye in favor of
2 this bill.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Bailey to be recorded in the affirmative.

5 Senator Ramos to explain her vote.

6 SENATOR RAMOS: Thank you,
7 Mr. President.

8 I too wanted to briefly explain my
9 vote and highlight specifically two parts in it
10 that I'm especially proud of, one being the
11 one-day-less bill that ensures that immigrants
12 who are arrested will -- I'm sorry, we're
13 changing sentencing of certain Class A
14 misdemeanors from 365 days to 364 so as to not
15 trigger deportation proceedings for many
16 immigrants -- not only those who are
17 undocumented, but also those who are asylum
18 seekers and green card holders and victims of
19 domestic violence.

20 Ultimately we know that we're safest
21 when we're keeping our families together, and
22 that provision does just that.

23 And then as Labor chair, we've
24 expanded a lot of the medical coverage that would
25 be provided through the Workers' Compensation

1 Board, which I think is especially helpful to
2 upstate, where there's a shortage of a lot of
3 medical services. And ensuring that
4 chiropractors and acupuncturists and nurse
5 practitioners and dentists are able to provide
6 this coverage for workers I think is especially
7 helpful in ensuring that we're expediting their
8 treatment and that there's faster decisions made
9 about their coverage.

10 Thank you, Mr. President.

11 ACTING PRESIDENT BENJAMIN: Senator
12 Ramos to be recorded in the affirmative.

13 Senator Akshar to explain his vote.

14 SENATOR AKSHAR: Mr. President,
15 thank you.

16 While I may wear a uniform -- excuse
17 me, a suit now, not a uniform, I for one am
18 always going to continue to fight for members of
19 law enforcement. I'm sensitive on this issue
20 today because five years ago today a friend of
21 mine was killed in my district, David D.W. Smith,
22 killed in the line of duty, paid the ultimate
23 sacrifice trying to protect the community that he
24 loved.

25 To Senator Bailey's point, are there

1 bad actors? Have there been tragedies throughout
2 this nation? There absolutely have. I agree
3 with you wholeheartedly. I'm fearful, though,
4 that our focus as a nation or as a state has
5 turned instead to these tragedies and these bad
6 actors. But I would also add that there are bad
7 doctors, there are bad garbagemen, there are bad
8 senators. Sometimes, unfortunately, there are
9 bad cops.

10 I think that unfortunately we see
11 some people using this as an opportunity, though,
12 to paint members of law enforcement as the enemy.
13 And I don't think that we can hold the actions of
14 some to everyone. And society, quite frankly,
15 right now is grossly mischaracterizing members of
16 law enforcement. And I think it's important for
17 all of us to remember that despite the hate, the
18 division and the controversy, members of law
19 enforcement still answer the call every single
20 day. Regardless of the fact that there are
21 people in this world that hate them, regardless
22 of the fact that there are people who disrespect
23 them -- and yes, yes, some people applaud when
24 they are killed in the line of duty. Suicide
25 rates for members of law enforcement, through the

1 roof.

2 The truth is that cops, just like
3 you and I, they have families, they want to live
4 their lives. I have friends back in my
5 district -- I think about Jody Kennedy and
6 Theresa Johnson. Every single Christmas, every
7 single police agency, they line the cruisers up
8 in front of Walmart, they pack those cruisers
9 full of toys for underprivileged kids.

10 Or my friend Brad Kaczynski,
11 Binghamton Police Department, who works with the
12 underprivileged and at-risk youth playing
13 basketball with them, fostering healthy
14 relationships.

15 Keith King in Vestal, somebody who
16 just recently got out of his police car, pushed a
17 man in a wheelchair three miles to his home
18 because he found himself not being able to help
19 himself.

20 These acts of kindness are not
21 mandated, they're not reported, they're not
22 required. I would suggest that we start
23 collecting data on the millions and millions of
24 lives that are saved every year by cops. Those
25 numbers can't, probably, be captured because

1 there are so many of them.

2 So, you know, my fear is something
3 that Senator Lanza brought up. The last thing
4 that we want law enforcement members to do is to
5 start to second-guess themselves. Because when
6 they second-guess themselves, they lose their
7 lives.

8 Mr. President, I vote no.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Akshar to be recorded in the negative.

11 Senator Krueger to explain her vote.

12 SENATOR KRUEGER: Thank you,
13 Mr. President.

14 I want to thank all my colleagues
15 for speaking on different sections of this bill.

16 PPGG is a very broad bill, and only
17 a few of the issues actually even got covered in
18 the debate going back and forth. And so I'll
19 just say when people have a chance, they will see
20 there are many other good things in this bill
21 that they should be glad for vote for.

22 I just want to weigh in briefly on
23 the issue of best practices for police officers.
24 My colleague is right, we have best practice
25 policy for doctors, we have peer review for

1 lawyers, for all kinds of professions. I don't
2 know if we have for senators yet. We have
3 elections. I suppose that's the best and worst
4 practice.

5 But I think best practice and
6 analysis for police officers will only strengthen
7 our police departments, will only strengthen
8 community relations with our communities.
9 Because there is no question -- I come from
10 New York City, and I have lived there since 1983
11 and I have watched now multiple generations of
12 parents bring up their children. And white
13 parents bring up their children saying, go to
14 police if something is amiss, they'll help you.
15 And black and brown parents have to teach their
16 children how not to get hurt or arrested by
17 police.

18 And that's something wrong, and we
19 need to address that. So if it's data collection
20 and best practices, we should start immediately.

21 I'm proud to vote yes. Thank you,
22 Mr. President.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Krueger to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar Number 357, those Senators voting in the
3 negative are Senators Akshar, Amedore, Antonacci,
4 Boyle, Flanagan, Funke, Gallivan, Griffio,
5 Helming, Jacobs, Jordan, Lanza, LaValle, Little,
6 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
7 Serino, Seward and Tedisco.

8 Ayes, 40. Nays, 22.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 Senator Gianaris.

12 SENATOR GIANARIS: Mr. President, I
13 want to thank my colleagues. That was much
14 faster in terms of getting into the chamber for
15 the vote.

16 So let's try and keep it moving as
17 we move to Calendar Number 358, please.

18 ACTING PRESIDENT BENJAMIN: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 358, Senate Budget Bill, Senate Print 1506C, an
22 act to amend the Education Law.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Griffio, why do you rise?

25 SENATOR GRIFFO: Mr. President,

1 there's an amendment at the desk. I waive the
2 reading of that amendment, with two components to
3 it, and ask that you call upon Senator LaValle to
4 be heard.

5 ACTING PRESIDENT BENJAMIN: Thank
6 you, Senator Griffo.

7 Upon review of the amendment, in
8 accordance with Rule 6, Section 4B, I rule it
9 nongermane and out of order at this time.

10 SENATOR GRIFFO: Accordingly,
11 Mr. President, I would appeal your ruling and ask
12 that Senator LaValle be recognized to be heard on
13 the appeal.

14 ACTING PRESIDENT BENJAMIN: The
15 appeal has been made and recognized, and Senator
16 LaValle may be heard.

17 SENATOR LaVALLE: Thank you very
18 much.

19 In order to comply in a timely way,
20 I took two amendments, put it into one. So one
21 amendment has two components. One deals with the
22 DREAM Act. The amendment is germane because it
23 removes the DREAM Act and replaces it with an
24 amendment to expand the TAP program, Tuition
25 Assistance Program, which is a proposal that was

1 included in this year's Senate one-house bill.

2 The TAP expansion would benefit the
3 hardworking New York State citizens who are
4 struggling, who are struggling to pay for their
5 college education. And you've heard firsthand
6 Senator Jackson today, as one individual, talking
7 about his three children, you know, struggling to
8 pay for their college education.

9 TAP is an established program, and
10 the aid follows the students to the college of
11 their choice, whether that be a public or private
12 college.

13 Expanding access to college and
14 alleviating the burden of student loan debt has
15 always, always been a priority not only of our
16 conference but of this chamber. And I would urge
17 all of my colleagues to support this amendment,
18 which is consistent with your behavior in
19 sessions before.

20 The proposal would increase the
21 maximum TAP award from 5,165 to 5,310, increase
22 the minimum TAP award from 500 to 750, and
23 increase the income eligibility threshold from
24 80,000 to 110,000, which is very important,
25 particularly downstate.

1 The second part of the amendment is
2 dealing with the MOE for SUNY and CUNY and the
3 five-year capital plan. I'm just going to pause
4 and say MOE is maintenance of effort. This
5 proposal would provide maintenance of effort for
6 SUNY and CUNY as well as providing a five-year
7 capital plan. The Senate Majority failed to
8 provide an increase in operating aid to SUNY and
9 CUNY this year, despite the rising cost and
10 contractually obligated salary increases.

11 Rather than providing additional
12 state funding for the systems, we've balanced the
13 budget on the backs of the students by including
14 another \$200 tuition increase in the 2019-2020
15 school year that would push the SUNY tuition over
16 \$7,000.

17 We have offered language that would
18 guarantee sufficient funding increases for the
19 systems, including the SUNY hospitals in
20 Syracuse, Stony Brook and Brooklyn.

21 And lastly, the language would
22 provide a five-year capital plan to address the
23 critical maintenance needs at SUNY and CUNY.

24 ACTING PRESIDENT BENJAMIN: Thank
25 you, Senator LaValle.

1 I wanted to remind the house that
2 the vote is on the procedures of the house and
3 the ruling of the chair.

4 Those in favor of overruling the
5 chair signify by saying aye.

6 (Response of "Aye.")

7 SENATOR GRIFFO: Request a show of
8 hands.

9 ACTING PRESIDENT BENJAMIN: A show
10 of hands has been requested and so ordered.

11 (Show of hands.)

12 THE SECRETARY: Ayes, 21.

13 ACTING PRESIDENT BENJAMIN: The
14 ruling of the chair stands, and the bill-in-chief
15 is before the house.

16 Senator LaValle.

17 SENATOR LaVALLE: Mr. President, I
18 think I've laid things out very succinctly, so
19 that I've put aside questions that I was going to
20 ask. And hopefully I'm right that I was succinct
21 and direct and everyone knows what we're doing
22 here so we can vote on the amendment.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Serino.

25 SENATOR SERINO: Yes, I have a

1 question regarding a program that was included in
2 the Executive's Part N of the budget, but it's
3 not in this bill. And I wanted to know if the
4 sponsor would yield, and that would be Senator
5 Persaud.

6 Are they not done with the
7 amendment? Oh, then I have to wait. Nope.

8 SENATOR GIANARIS: Mr. President,
9 Senator Krueger will address this issue.

10 SENATOR KRUEGER: Me? Oh, we did
11 take a vote on the hostile.

12 I'm sorry, Senator Serino there was
13 a little confusion. Could you repeat the
14 question, please?

15 SENATOR SERINO: Certainly. This
16 was included in the Executive's budget, it was
17 Part N. But it doesn't seem to be included in
18 this bill. The Governor had proposed a
19 time-limited job tryout program as an eligible
20 work activity for public assistance recipients.
21 And when I first read it, I thought, wow, what a
22 great idea, because this would help New Yorkers
23 get a foot in the door and create a pipeline to
24 long-term employment. And I was wondering if the
25 sponsor can tell me why this program was

1 eliminated.

2 SENATOR KRUEGER: Thank you.

3 Both houses actually decided to
4 reject the program by the Governor based on the
5 fact that that program model was extremely
6 parallel to various programs that the state and
7 localities have used in the past, often known as
8 work experience or workfare. And they have not
9 led to employment or increased income for people,
10 so the two houses decided to reject that proposal
11 by the Governor.

12 SENATOR SERINO: Okay. On the
13 bill, Mr. President.

14 ACTING PRESIDENT BENJAMIN: Senator
15 Serino on the bill.

16 SENATOR SERINO: And I can
17 understand that.

18 But I think, you know, the goal of
19 public assistance is to not create lifelong
20 recipients but to give a leg up to someone if
21 they fall on hard times. This program would
22 empower New Yorkers and open doors to employment.
23 I would encourage you to reconsider this
24 proposal, at least as it relates to the private
25 businesses too.

1 Thank you.

2 ACTING PRESIDENT BENJAMIN: Are
3 there any other Senators wishing to be heard?

4 Seeing and hearing none, debate
5 is -- ah. Senator Krueger on the bill.

6 SENATOR KRUEGER: Well, yes, on the
7 bill.

8 I'm just double-checking, no one
9 else wanted to raise anything else on this bill?
10 Okay.

11 To respond to Senator Serino's
12 issues, I think we all agree that we want to make
13 sure that people on public assistance get the
14 supports they need to move off of public benefits
15 and into jobs. And there are --

16 SENATOR LaVALLE: Can you speak
17 into the mic? I can't hear you.

18 SENATOR KRUEGER: Oh, apparently my
19 microphone isn't picking up. Is that better,
20 Senator LaValle?

21 SENATOR LaVALLE: Yes.

22 SENATOR KRUEGER: Thank you.

23 We all want to make sure that people
24 who end up on public assistance because they
25 don't have either the skills or the opportunities

1 to get a job are able to be helped to move off as
2 fast as possible. There are quite a few programs
3 that the state runs and that local district
4 social service departments run. This specific
5 program, as I said, was rejected because it has
6 already been tested and is not effective in
7 moving people off of public benefits into the
8 workforce.

9 I'm actually very glad there's not a
10 lot of questions about ELFA because in fact I
11 think the bill itself is pretty clear -- what is
12 in it, what it's doing, and why it's necessary
13 for us to vote for it. So I'm hoping that people
14 will all vote for it. I know I will.

15 Thank you, Mr. President.

16 ACTING PRESIDENT BENJAMIN: Are
17 there any other Senators wishing to be heard?

18 Seeing and hearing none, the debate
19 is closed.

20 The Secretary will ring the bell.

21 There is a substitution at the desk.

22 The Secretary will read.

23 THE SECRETARY: Senator Krueger
24 moves to discharge, from the Committee on
25 Finance, Assembly Bill Number 2006C and

1 substitute it for the identical Senate Bill
2 Number 1506C, Third Reading Calendar 358.

3 ACTING PRESIDENT BENJAMIN: The
4 substitution is so ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 358, Assembly Budget Bill, Assembly Print 2006C,
8 an act to amend the Education Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect immediately.

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN: Senator
17 LaValle to explain his vote.

18 SENATOR LaVALLE: Mr. President, I
19 just want to mention, particularly for the newer
20 people -- for those that have been here for a
21 number of years --

22 ACTING PRESIDENT BENJAMIN: Order
23 in the chamber, please.

24 SENATOR LaVALLE: -- we have
25 discussed the DREAM Act, the implications it has

1 for some of our students who are here in this
2 country, as opposed to those individuals who may
3 have a status of undocumented immigrant.

4 And without the amendment, you are
5 putting in harm's way your students. And I went
6 out of my way to say the TAP expansion would
7 benefit hardworking New York State citizens who
8 are struggling to pay for their college tuition.
9 So you're going to -- when you vote on this bill,
10 you're going to be putting some of your students
11 in harm's way.

12 I vote no.

13 ACTING PRESIDENT BENJAMIN: Senator
14 LaValle to be recorded in the negative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar 358, those Senators recorded in the
18 negative are Senators Akshar, Amedore, Antonacci,
19 Boyle, Flanagan, Funke, Gallivan, Griffio,
20 Helming, Jacobs, Jordan, Lanza, LaValle, Little,
21 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
22 Serino, Seward and Tedisco.

23 Ayes, 40. Nays, 22.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

1 Senator Gianaris.

2 SENATOR GIANARIS: Mr. President, I
3 think we at this point are going to call a
4 Transportation Committee meeting in Room 332 and
5 then promptly return to the chamber thereafter.

6 ACTING PRESIDENT BENJAMIN: There
7 will be an immediate meeting of the
8 Transportation Committee in Room 332.

9 SENATOR GIANARIS: The Senate will
10 stand at ease.

11 ACTING PRESIDENT BENJAMIN: The
12 Senate will stand at ease.

13 (Whereupon, the Senate stood at ease
14 at 4:49 p.m.)

15 (Whereupon, the Senate reconvened at
16 5:39 p.m.)

17 ACTING PRESIDENT BENJAMIN: The
18 Senate will return to order.

19 Senator Gianaris.

20 SENATOR GIANARIS: Mr. President,
21 at this time there will be an immediate meeting
22 of the Finance Committee in Room 332.

23 And by consent, we are going to take
24 up Calendar Number 359 and begin debate on that
25 bill. That is the Health Budget Bill. We will

1 have that debate and then lay the bill aside
2 until the message of necessity arrives, but we
3 will try to make efficient use of our time. So
4 we have unanimously agreed to follow that
5 procedure.

6 So an immediate meeting of the
7 Finance Committee in Room 332, and let us proceed
8 with Calendar 359.

9 ACTING PRESIDENT BENJAMIN: There
10 will be an immediate meeting of the Finance
11 Committee in Room 332.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 359, Senate Budget Bill, Senate Print 1507C, an
15 act to amend the Public Health Law.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Griffo, why do you rise?

18 SENATOR GRIFFO: Mr. President, I
19 believe there's an amendment at the desk. I
20 would waive the reading of that amendment and ask
21 that Senator Amedore be recognized.

22 ACTING PRESIDENT BENJAMIN: Thank
23 you, Senator Griffo.

24 Upon review of the amendment, in
25 accordance with Rule 6, Section 4B, I rule it

1 nongermane and out of order at this time.

2 SENATOR GRIFFO: Accordingly,
3 Mr. President, I appeal that ruling and ask that
4 you recognize Senator Amedore to be heard on the
5 appeal.

6 ACTING PRESIDENT BENJAMIN: The
7 appeal has been made and recognized, and
8 Senator Amedore may be heard.

9 SENATOR AMEDORE: Thank you,
10 Mr. President.

11 I rise to speak on this amendment,
12 which I would argue is very germane to the
13 bill-in-chief. Everyone knows that we are facing
14 an epidemic in this state when it comes to
15 addiction, substance use disorder. Addiction
16 costs us all so much in society -- not just
17 money, but life. And while we have made some
18 great advancements in prevention, treatment,
19 recovery efforts, we still have such a long way
20 to go.

21 But we see in this bill some vague
22 language about an intent to allocate \$100 million
23 to fight this epidemic -- an amount,
24 coincidentally, that matches the estimated
25 revenue from a proposed opiate tax. Well, in

1 this case the opiate tax -- if that's the case,
2 then the opiate tax is a punitive tax that will
3 harm members of our community, such as our
4 seniors, veterans, those who are on fixed
5 incomes, those who will suffer from chronic pain
6 on a daily basis who need such a medication for
7 the quality of their life.

8 An opiate tax. It will harm
9 healthcare providers, both large and small, who
10 are trying to provide the best quality care to
11 their patients, such as hospice. A new tax is
12 not a good idea, but this particular tax, the
13 cost will be passed directly down to the consumer
14 in the form of higher costs for prescription
15 medication.

16 This amendment, Mr. President, takes
17 an idea that the Attorney General announced --
18 the Attorney General of the State of New York has
19 recently announced a lawsuit against the opiate
20 manufacturers. And this amendment would direct
21 any settlement monies from the lawsuit into a
22 fund to help increase prevention, recovery and
23 treatment efforts. Instead of relying on
24 potential revenue in yet another new tax that
25 will harm the most vulnerable members of our

1 communities, this is the way to go to help a
2 steady stream of revenue to be invested in the
3 programs needed to help those in society most
4 vulnerable. I urge my colleagues to support this
5 amendment.

6 Thank you, Mr. President.

7 ACTING PRESIDENT BENJAMIN: Thank
8 you, Senator Amedore.

9 I want to remind the house that the
10 vote is on the procedures of the house and the
11 ruling of the chair. Those in favor of
12 overruling the chair signify by saying aye.

13 SENATOR GRIFFO: A show of hands
14 requested.

15 ACTING PRESIDENT BENJAMIN: A show
16 of hands has been requested and so ordered.

17 THE SECRETARY: Ayes, 13.

18 ACTING PRESIDENT BENJAMIN: The
19 ruling of the chair stands, and the bill-in-chief
20 is before the house.

21 SENATOR GRIFFO: Mr. President, you
22 may have noticed that we're doing the budget, so
23 the numbers may have not added up. Even though
24 we've made an appeal of the chair, I just wanted
25 to note for the record that a number of the

1 members are at various meetings -- the Finance
2 Committee and Transportation Committee had been
3 meeting, and that's why they were not at desks.

4 ACTING PRESIDENT BENJAMIN: So
5 noted.

6 Senator Gallivan.

7 SENATOR GALLIVAN: Thank you,
8 Mr. President.

9 Would the sponsor yield to some
10 questions in this particular area.

11 SENATOR GIANARIS: Yeah,
12 Mr. President, Senator Rivera will be answering
13 questions on the health bill.

14 ACTING PRESIDENT BENJAMIN: Senator
15 Rivera, do you yield for questions?

16 SENATOR RIVERA: Yes,
17 Mr. President.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR GALLIVAN: I'm going to
21 cover a number of different areas, Mr. President,
22 if okay with you, but just to let Senator Rivera
23 know we might bounce around a little bit.

24 The first area has to do with the
25 nursing home provider case mix proposed cut. And

1 in the Governor's original budget proposal, it
2 was booked at I think a \$122 million cut, and the
3 Senate one-house rejected this cut.

4 SENATOR RIVERA: Through you,
5 Mr. President. Yes, we strongly did.

6 SENATOR GALLIVAN: Through you,
7 Mr. President, will the sponsor continue to
8 yield?

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR RIVERA: I do.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR GALLIVAN: Is the entire
15 proposed cut to nursing home provider aids
16 restored in this budget?

17 SENATOR RIVERA: Through you,
18 Mr. President. What we did -- first of all, the
19 original Governor's proposal, which would have
20 been disastrous to nursing homes all over the
21 state, was rejected very strongly. And what we
22 did -- and it is based on, if you'll allow me,
23 Mr. President, just a couple of technical aspects
24 here.

25 The way that currently the rates

1 that are paid to nursing homes are determined are
2 determined by two dates in the year that are
3 currently that audits are done as to who the
4 nursing homes are actually taking care of. Then
5 depending on what the acuity, meaning how long
6 these people are taken care of, the seriousness
7 of their ailments, then the rates are determined.

8 And the proposal was to actually
9 resize this, to do it in a completely different
10 way. And there was a claim that there would be
11 \$122 million of savings.

12 What we did, we pushed back very
13 strongly in saying, Look, we can certainly
14 redesign the way that we determine what the
15 acuity is in these nursing homes, but we are not
16 going to guarantee you \$122 million worth of
17 savings. Particularly, Mr. President, because we
18 want to make sure that the individuals that are
19 being taken care of, as well as the facilities
20 that take care of individuals, continue to exist.

21 And so what we did is we right-sized
22 the proposal, so that now -- we don't know
23 exactly what the savings will be, but it is very
24 likely that once the dates are randomized -- in
25 other words, in other times, not just in these

1 two dates of the year, the Department of Health
2 determines what the acuity is in nursing homes
3 all across the state, determines an average of
4 what the acuity is, and determines a rate -- then
5 the rate will probably vary, so there will be
6 some savings.

7 But certainly the 122 that was
8 originally proposed, we pushed back strongly
9 because it would have destroyed the sector.

10 SENATOR GALLIVAN: Will the sponsor
11 continue to yield?

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR RIVERA: Yes,
15 Mr. President.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR GALLIVAN: Regarding this
19 same area, the one-house proposed convening a
20 workgroup. Is that workgroup in place in the
21 final budget, and will there be an ongoing look
22 at this or a formal look at this?

23 SENATOR RIVERA: Through you,
24 Mr. President, yes, this workgroup made it to the
25 final proposal in the budget.

1 SENATOR GALLIVAN: Will the sponsor
2 continue to yield?

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR RIVERA: Yes. Yes,
6 Mr. President.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR GALLIVAN: Nursing
10 homes are operating at very thin margins; many
11 are operating at a loss. Do any of these
12 potential -- we'll say cost savings to the state,
13 but an ultimate potential cut, do you think that
14 the nursing homes will be able to withstand this
15 and still be able to provide necessary services?

16 SENATOR RIVERA: Through you,
17 Mr. President, yes.

18 And the reason for that is I believe
19 that -- what we did was to push back very
20 strongly on the Executive and say to them that if
21 we're going to -- that this claim that was made
22 by some that maybe nursing homes were lying to
23 the state about what their acuity actually was,
24 we're going to determine what the acuity actually
25 is so that we're going to pay you more accurately

1 in reference to who you're taking care of and how
2 long they're being taken care of, et cetera. But
3 we believe that once it is right-sized, that
4 if -- since it's going to be more accurate so
5 it's going to determine the people -- the actual
6 case mix of that particular nursing home, then it
7 should serve to maintain that nursing home.

8 And trust me, I know very well --
9 and I'm sure that all of us have heard from
10 nursing homes all across the state that reached
11 out to our offices and told us how important it
12 was that we get this process right. I do believe
13 that we got the best possible outcome that we
14 could have. Because again, the original proposal
15 was just madness. I'm glad that we were able to
16 right-size it and make sure that we have
17 something in line that can both save the state
18 some money but, more importantly, maintain the
19 people that are getting taken care of so that
20 they're taken care of.

21 SENATOR GALLIVAN: Thank you. Will
22 the sponsor continue to yield?

23 ACTING PRESIDENT BENJAMIN: Does
24 the sponsor yield?

25 SENATOR RIVERA: Yes,

1 Mr. President.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR GALLIVAN: If we go back in
5 time to when the Governor proposed his original
6 budget -- and originally, the Medicaid spending
7 was essentially consistent with the global cap.
8 His 30-day budget then cut a number of things.
9 Can the sponsor, just from the 10,000-foot-level
10 view, provide -- could you go over the things
11 that have been restored that the Governor had
12 proposed dialing back in his 30-day amendments?

13 SENATOR RIVERA: Through you,
14 Mr. President, I certainly can. It might be a
15 long list, since that 30-day was very much --

16 SENATOR GALLIVAN: If I may,
17 Mr. President, I'm really looking at the
18 significant cuts to Medicaid, from the biggest
19 down through the ambulance. Rather than me
20 asking from 18 different line items. But we
21 don't really need to go below the dollar amount
22 for the rural ambulances.

23 SENATOR RIVERA: And through you,
24 Mr. President, that is precisely what I was about
25 to say, that if we were to take some time to talk

1 about every single thing that 30-day amendment
2 did and what we ultimately restored, it would
3 take a long time.

4 But some very important parts of
5 that, we were able to restore \$550 million in
6 Medicaid cuts. Which as you know, Mr. President,
7 would actually amount to \$1.1 billion that would
8 have hit the state in cuts. This includes
9 \$222 million in a clawback from rate increases
10 for hospitals and nursing homes, \$138 million for
11 indigent care pool payments to certain hospitals,
12 and \$190 million across-the-board rate cuts.

13 So these are, again, the
14 10,000-foot -- but I can assure you there's a
15 whole bunch of other ones that we were able to
16 restore.

17 And I should tell you something
18 else, through you, Mr. President. This was an
19 incredibly challenging budget year, which you
20 will hear again and again during today. One of
21 the things that -- just to get a comparison,
22 Mr. President, last year the table target for our
23 particular table, for the health table, was
24 \$70 million. And the cuts that were proposed by
25 the Governor at that point amounted to less than

1 \$30 million, which means that even if we had
2 bought back everything -- and obviously the
3 majority was the one that was taking care of the
4 budget at that time. But even if we had bought
5 back everything, we would have more than half
6 still left.

7 That was not the case this year,
8 Mr. President. It was only a \$30 million table
9 target. And when we consider, for example, that
10 the City of New York, there was a cut in the
11 30-day amendments which, sadly, we could not
12 purchase back, for the greater Public Health
13 Works programs, which amounts to a \$27 million
14 cut. We were not able to purchase that back.

15 So we wanted to make sure that the
16 big things -- like, again, this 222 million for
17 hospital and nursing homes, the 138 million for
18 the indigent care pool, and the 190 million
19 across-the-board rate cuts, we got those back.
20 So we were able to do that. And we tried to be
21 as judicious as possible spreading it across the
22 state in what we were able to restore. We were
23 not able to restore everything, but quite a bit,
24 Mr. President.

25 SENATOR GALLIVAN: Will the sponsor

1 continue to yield?

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield?

4 SENATOR RIVERA: Yes,
5 Mr. President.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR GALLIVAN: One other area
9 where there was some cuts -- and I want to make
10 sure that there was restorations in the area of
11 SUNY hospitals. Was funding restored for all the
12 SUNY hospitals?

13 SENATOR RIVERA: Through you,
14 Mr. President, that is actually -- that was
15 actually not done through this table. It is at
16 the higher education table, since it is SUNY --
17 obviously it's a SUNY hospital, it's a State
18 University of New York institution, it actually
19 would be -- it would actually be through that
20 table that it was restored.

21 SENATOR GIANARIS: We can follow up
22 when that bill is before us, Mr. President.

23 Will the sponsor continue to yield?

24 SENATOR RIVERA: Yes,
25 Mr. President.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR GALLIVAN: Regarding
4 safety-net hospitals, the enacted budget I
5 believe provides \$41 million for the safety net
6 hospitals, many located in New York City.

7 And over the years we've tried to
8 secure funding for critical-access hospitals
9 located in rural regions of the state. Whenever
10 we were discussing safety-net hospitals, we tried
11 to take care of both general categories at the
12 same time.

13 And my question, through you,
14 Mr. President, is is there funding not only for
15 safety-net hospitals but the critical-access
16 hospitals across the state?

17 SENATOR RIVERA: One second,
18 Mr. President. One second, Mr. President. I
19 want to make sure that I get the answer correct.

20 Through you, Mr. President. Thank
21 you for your patience, first of all. It was
22 the -- ultimately we pushed the Governor to
23 include -- in the Executive Budget there was a
24 pool of money that was included for safety-net
25 hospitals. We actually included 60 million for

1 enhanced safety-net hospitals. Again, this was a
2 very tough budget year. But there was also the
3 Executive included -- we're going to get you the
4 exact number, but there was something that we
5 managed to get the Governor to put back in in the
6 final budget agreement. Through you,
7 Mr. President.

8 SENATOR GALLIVAN: Thank you.

9 Through you, Mr. President, I did
10 have a follow-up, but I'll hold off on that until
11 we get additional information, or I may have a
12 follow-up --

13 ACTING PRESIDENT BENJAMIN: Does
14 the sponsor continue to yield?

15 SENATOR RIVERA: Yes,
16 Mr. President.

17 SENATOR GALLIVAN: But will he
18 continue to yield for additional questions?

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR GALLIVAN: So regarding
22 Healthcare Transformation funding, the Senate
23 one-house budget strongly advocated that funds in
24 the Healthcare Transformation Fund be used to
25 fund commitments made by the Executive to support

1 healthcare delivery in the state.

2 Does the budget, what is proposed
3 right now, specifically restrict funds held
4 within the Healthcare Transformation Fund to only
5 support healthcare program delivery? Or is this
6 funding still projected to offset non-health-
7 related programs such as housing rental
8 subsidies?

9 SENATOR RIVERA: Through you,
10 Mr. President, yes, we managed to get that back.
11 This is the -- I referred to it earlier. This is
12 the \$220 million clawback from rate increases
13 from hospitals and nursing homes. I believe,
14 Mr. President, that the Senator is referring to
15 the -- the -- fallout is not the right term. It
16 is the -- when we sell something, we get
17 something back from it. It's going to come to me
18 -- the word will come to me, Mr. President.

19 But it just basically means when
20 Fidelis was sold, there was a chunk of that money
21 that came to the state and there was a promise
22 that came from the state related to hospital and
23 nursing home rate increases. That was taken back
24 in the 30-day amendments, and then we managed to
25 get it back for the final proposal -- for the

1 final budget that is in front of us.

2 SENATOR GALLIVAN: Thank you.

3 Will the sponsor continue to yield?

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR RIVERA: Yes,
7 Mr. President.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR GALLIVAN: I have two more
11 areas. One I think is an area that's important
12 to every member in here, and then of course their
13 constituents, and it deals with the Consumer
14 Directed Personal Assistance Program and the
15 fiscal intermediary proposal.

16 How does the proposal before us
17 today regarding this CDPAP program differ from
18 the Executive proposal?

19 SENATOR RIVERA: Through you,
20 Mr. President, I'm very glad the Senator brought
21 this program up. I am sure that all of us across
22 the state have heard from our constituents, both
23 people who are served by the program and people
24 who take care of people who are served by the
25 program.

1 This was a program that was not only
2 started in New York State, but we feel very
3 strongly in the Majority -- and I know that this
4 is something that we share, that you folks share
5 across the aisle -- we wanted to make sure that
6 if there was any changes in the program, that the
7 people who are being taken care of, the clients,
8 if you will, are at the center of it, the
9 consumers are at the center of it.

10 So there was -- in the original
11 proposal it was basically a grenade, if you will,
12 thrown into the middle of the program, and it
13 would have basically destroyed the whole thing.
14 We went in there very strongly, Mr. President,
15 saying that this was a program that needed to
16 continue to exist. It is incredibly important.
17 We need to protect these individuals.

18 And so what we did is we managed to
19 reassign the program as it refers to the fiscal
20 intermediaries. These are the entities that make
21 sure that the individuals, be it family members
22 or other folks, neighbors or what have you, who
23 take care of the consumers actually get paid.
24 But as we know, Mr. President, the fiscal
25 intermediaries don't just hand over a check.

1 There's other things that they do.

2 So what we ultimately did, with the
3 three-way agreement that we were able to secure,
4 we made sure that -- recognizing the importance
5 of the issue, we fought back and we made sure
6 that the final proposal before us actually
7 redesigns the fiscal intermediary so that there
8 will be a mini-bid process. This is the
9 Department of Health will select the fiscal
10 intermediaries to continue the program on a
11 mini-bid process that will be based on criteria
12 that will include but not be limited to
13 geographic distribution, cultural and linguistic
14 competence, the ability to provide timely
15 consumer assistance and consumer peer support,
16 and compliance with all wage and labor laws.

17 And we also created a stakeholder
18 workgroup that will determine best practices to
19 make sure that the program, as it goes forward,
20 continues to exist and continues to thrive.

21 Bottom line, Mr. President, was we
22 felt that it was -- that this program is way too
23 important to allow it to have been blown up as
24 the original proposal or certainly the 30-day
25 amendments proposed to do. I feel very strongly

1 that what we were able to achieve -- and our
2 staff were warriors in there. I have to look at
3 them directly and say you all were warriors in
4 there -- fought to make sure that the people who
5 are ultimately served by this program were served
6 well and will continue to be served well.

7 SENATOR GALLIVAN: Will the sponsor
8 continue to yield?

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR RIVERA: Yes,
12 Mr. President.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR GALLIVAN: When the
16 Governor proposed the changes to this particular
17 program in looking to significantly reduce the
18 number of fiscal intermediaries, one of the
19 things that he had proposed was that anybody that
20 was in business sometime prior to 2012 would be
21 grandfathered in, but nobody else -- anybody who
22 came into business or was certified after that
23 date would not be included.

24 My question is -- through you,
25 Mr. President -- does the proposal before us now

1 include any such language regarding when somebody
2 started in the business?

3 SENATOR RIVERA: Through you,
4 Mr. President. First of all, in Part G of this
5 bill, 1507C, there is language that includes -- I
6 will read some of it, Mr. President. As far as
7 fiscal intermediaries complying with this section
8 "including but not limited to entities that (A)
9 are a service center for independent living under
10 Section 1121 of the education law or (B) have
11 been established as fiscal intermediaries prior
12 to January 1, 2012, and have been continuously
13 providing such services for eligible individuals
14 under this section."

15 Now, for new fiscal
16 intermediaries -- or I should say the process
17 that I described earlier, this mini-bid process
18 would be kind of a streamlined bid process,
19 because each one of these fiscal intermediaries,
20 Mr. President, would require a contract. So this
21 streamlined process would consider the criteria
22 that I already discussed, as well as criteria
23 that would be further established by the
24 workgroup.

25 And I should also mention,

1 Mr. President, that this is not going to go into
2 effect until January 1st of 2020.

3 Furthermore, we created a window of
4 45 days so that if there is a fiscal intermediary
5 that is currently serving someone who is getting
6 paid to take care of a consumer, and that fiscal
7 intermediary is going to go out of business,
8 there is a 45-day window where they have to make
9 sure that they communicate with the individual
10 that is providing the service. And this is to
11 make sure, Mr. President, that there is
12 continuity of service between the individual --
13 so the individual getting served now, the person
14 who is serving that consumer and is getting paid
15 now, we want to make sure that if there was a
16 switch in the fiscal intermediary, that that can
17 happen without impacting the services that are
18 being provided.

19 SENATOR GALLIVAN: Will the sponsor
20 continue to yield?

21 ACTING PRESIDENT BENJAMIN: Does
22 the sponsor yield?

23 SENATOR RIVERA: Yes,
24 Mr. President.

25 ACTING PRESIDENT BENJAMIN: The

1 sponsor yields.

2 SENATOR GALLIVAN: Does the sponsor
3 have -- through you, Mr. President, does the
4 sponsor have confidence that there are
5 protections in place to ensure that the
6 Department of Health won't simply deny
7 applications of eligible fiscal intermediaries
8 just simply to cut numbers or to save money?

9 SENATOR RIVERA: Through you,
10 Mr. President, that's a very important question.
11 And I can tell you that not only through the
12 process -- that, again, these warriors went in
13 there to make sure that we established -- but
14 also as it goes forward, there's many of us that
15 are going to be keeping a very close eye on how
16 the process is actually undertaken.

17 The workgroup that will be created
18 with this proposal, as the stakeholder workgroup,
19 will include people who are knowledgeable on the
20 areas that in -- that will be knowledgeable in
21 areas that are important to determine how best to
22 establish best practices, et cetera. And they
23 will -- and I figured that these individuals will
24 take very good care of making sure that the
25 criteria is created so that ultimately those

1 people who are chosen as fiscal intermediaries
2 continue to serve with the best interests of the
3 consumer in mind.

4 But it is -- I should tell you it
5 was kind of a -- it was challenging to push back
6 on the idea that the Department of Health needed
7 to have sole authority, but we did so. It was
8 not as far as many of us would have liked, but we
9 did push back and say that even though the
10 Department of Health and the Commissioner of
11 Health has the ultimate authority, they have to
12 operate within the criteria that we have set. So
13 that we, I believe, did as much as we could to
14 make sure that this would not be a process that
15 would be driven just by whim, and instead would
16 be driven, as I've said many times and I will
17 continue to say, with the consumers at the center
18 of it.

19 SENATOR GALLIVAN: Thank you.

20 Will the sponsor continue to yield?

21 ACTING PRESIDENT BENJAMIN: Does
22 the sponsor yield?

23 SENATOR RIVERA: Yes,
24 Mr. President.

25 ACTING PRESIDENT BENJAMIN: The

1 sponsor yields.

2 SENATOR GALLIVAN: So staying with
3 the same particular program but moving over to
4 the payment method -- and we were of course in
5 our conference committees and we learned that
6 just this Wednesday the Department of Health
7 released emergency regulations changing the
8 payment method especially for this, establishing
9 a per-member-per-month reimbursement methodology
10 for this particular program.

11 Does the proposal before us today
12 include that type of payment? Or have those
13 proposed regulations been dialed back until
14 there's a look at this through the workgroup?
15 And finally, I guess what I really want to know
16 is, what's the payment method? Is it still the
17 same, or is it automatic Executive making the
18 decision, disrespecting the Legislature, all
19 these consumers, and imposing his will on a very
20 good program that's so important to people with
21 special needs?

22 SENATOR RIVERA: One second.

23 Through you, Mr. President. So what
24 you're referring to was a notice that was put out
25 on March 27th, just a few days ago, as we -- and

1 we were kind of surprised by it as well. But
2 after looking at it closely, a couple of things.

3 First of all, this is the type of
4 notice that is needed to -- you need to put this
5 out so that you are -- basically, it's a
6 placeholder for what ultimately would be agreed
7 upon.

8 So the payment method that was
9 agreed to, which is included in the final
10 language, created a three-tiered system where
11 basically there would be three tiers of payment
12 depending on the amount of time, of hours per
13 month, that the particular consumer is served.
14 So it would be anywhere from an hour to 159 hours
15 per month, which would be one to four hours per
16 day, which would start at \$64 per member per
17 month and goes all the way up to -- 16 to 24
18 hours a day would be \$522 per member per month.

19 So again, there is an agreed-upon
20 tier system that is included in the language.
21 What you're referring to was a notice that needed
22 to be put out there as a placeholder. But what
23 was in there was ultimately what we negotiated,
24 which is right here.

25 SENATOR GALLIVAN: Thank you. Will

1 the sponsor continue to yield?

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield?

4 SENATOR RIVERA: Yes,
5 Mr. President.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR GALLIVAN: The Governor had
9 proposed that if certain conditions existed
10 regarding tax revenue -- and in other cases some
11 other items come up -- and he's done this in the
12 past. This particular year, though, the Governor
13 proposed that if certain criteria were met, that
14 the budget director or the Executive, through the
15 budget director, would have sole discretion to
16 lower reimbursement rates for Medicaid, to the
17 tune of a total of \$190 million -- the Governor's
18 complete discretion in this area, without
19 consulting the body.

20 And my question, through you,
21 Mr. President, is is this in the final budget
22 before us today, or something to that effect?

23 SENATOR RIVERA: Through you,
24 Mr. President. I, like you -- I should say,
25 Mr. President, like Senator Gallivan -- and maybe

1 you as well, Mr. President -- I'm certainly
2 concerned with all the areas not only in this
3 budget but certainly in any budget that I've ever
4 seen as a Senator here, where the Executive kind
5 of grabs more power for itself. I should say
6 that in this case that that language ultimately
7 made it to the final version. This refers to
8 cuts that may happen at the federal level in
9 October, that refer to disproportionate share
10 hospitals, or DSH cuts.

11 If that happens, what the language
12 states is that the Executive could unilaterally
13 make changes to the budget that would potentially
14 result in a \$190 million cut to our health
15 system. That is -- that would be truly awful,
16 and it would be in response to the awfulness that
17 is already occurring from the federal government.

18 So it's a -- in this one, we
19 ultimately left it in there. We do believe, I do
20 believe that there is some leeway that the
21 Executive should have to act when an emergency
22 occurs. This would certainly qualify as that if
23 it happens in October. But like you -- well,
24 Mr. President, as Senator Gallivan kind of stated
25 as an underlying thing in his question, it is --

1 I am certainly concerned any time that we give
2 more and more authority to the Executive.

3 But in this case, Mr. President, it
4 did make it to the final one, and it probably --
5 it is -- I'm hoping it's not necessary,
6 Mr. President.

7 SENATOR GALLIVAN: On the bill,
8 Mr. President.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Gallivan on the bill.

11 SENATOR GALLIVAN: I'd like to
12 thank the sponsor for taking the time to answer
13 the questions and provide us with very important
14 information -- with information in an area that's
15 so important, the biggest area, along with
16 education, of spending in the budget, and
17 probably among the most important things that we
18 do. It touches so many people, and so many
19 people who can't care for themselves are
20 dependent on us to make the right decisions
21 regarding funding for their particular programs.

22 And I'm very pleased that -- I know
23 all of the members in the chamber, both in the
24 Majority and the Minority, were concerned about
25 the Governor's proposed cuts. It was very

1 concerning. I'm pleased that through the
2 advocacy of so many, so many of our constituents,
3 members on both sides of the aisle, that the bulk
4 of these Medicaid cuts were restored.

5 I have concerns about the viability
6 of our nursing homes, some questions going
7 forward that leave -- I guess leave their future
8 as a question mark. And it's something that I'm
9 pleased that Senator Rivera, the chair of Health,
10 has pledged to keep a keen eye on so we can
11 ensure that they are properly funded.

12 The CDPAP program is extremely
13 important. It was very disturbing, as Senator
14 Rivera indicated, when the Governor put forward
15 this proposal. I remain concerned. I have full
16 confidence in Senator Rivera's commitment to
17 ensuring the viability of this program, look
18 forward to working there, but I think that is an
19 area of concern in this particular budget that we
20 should all have.

21 And then the final area was the last
22 one that we spoke about that I think is always
23 concerning, not just in this area but anywhere,
24 where some would look at it as us ceding our
25 authority to the discretion of the Governor and

1 the Budget Director to just go and make
2 unilateral decisions without our input. And it's
3 something for us to keep an eye on. But I am
4 concerned about the potential of the Governor
5 pulling back up to \$190 million in spending --
6 obviously, of course, if the negative things
7 happen to the economy, if they reach these
8 various metrics.

9 But I think those are areas to be
10 concerned about. I do thank Senator Rivera for
11 his answers. And I too would want to acknowledge
12 the staff that works on this, both in the
13 Majority and the Minority side. It's such an
14 enormous area of the budget, and there's much
15 there, much for all of us to continue to be
16 concerned about.

17 Thank you, Mr. President.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Serino.

20 SENATOR SERINO: Thank you,
21 Mr. President.

22 I have a few questions on health and
23 aging, because they kind of fall in the same pot.
24 But I think I'll start with a question on Lyme,
25 if I could.

1 ACTING PRESIDENT BENJAMIN: Would
2 the sponsor yield?

3 SENATOR RIVERA: I would, with one
4 clarification. On aging issues, Senator May,
5 being the chair of the Aging Committee, would be
6 the best person to answer.

7 But Mr. President, through you, if
8 it is something that is a health-related matter,
9 I'd certainly be more than willing to yield.

10 SENATOR SERINO: Great. All right.
11 Thank you.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR SERINO: Thank you,
15 Mr. President. Thank you, Senator Rivera.

16 In your one-house budget you
17 included a million dollars for Lyme and
18 tick-borne diseases. Have you kept that
19 appropriation in this final budget?

20 SENATOR RIVERA: Through you,
21 Mr. President, could she repeat the last --
22 Senator, could you repeat the last bit of your
23 question?

24 SENATOR SERINO: Have you kept that
25 appropriation in the final budget?

1 SENATOR RIVERA: Through you,
2 Mr. President, yes. Yes.

3 SENATOR SERINO: You have?

4 SENATOR RIVERA: Correction. This
5 is why -- Mr. President, again, this is why you
6 surround yourself with people that are smarter
7 than you. There is no -- that specifically for
8 Lyme and tick disease, that is not there. What
9 we ultimately included was -- so, Mr. President,
10 through you, the answer to the Senator's question
11 is no.

12 SENATOR SERINO: Will the sponsor
13 continue to yield?

14 ACTING PRESIDENT BENJAMIN: Will
15 the sponsor yield?

16 SENATOR RIVERA: Yes,
17 Mr. President.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR SERINO: Can I ask you why
21 it wasn't included?

22 SENATOR RIVERA: Through you,
23 Mr. President. As I discussed earlier,
24 ultimately the choices we had to make were
25 very -- were very tough. This is -- in the

1 case -- one of the things that I discussed
2 earlier when the questions were being asked about
3 what our table target was this year, how much
4 money we had to buy back the immense amount of
5 cuts that were to the budget -- for example,
6 there was a -- just -- not only the \$550 million
7 cut to Medicaid in all these different chunks
8 that I discussed earlier, but the \$75 million cut
9 to the CDPAP program, the \$122 million cut to the
10 nursing homes, and then there was a myriad of
11 cuts to different public health programs across
12 the state. We were only given 30 to buy all of
13 that back.

14 And I should point out that while we
15 did bring back -- we did put something for
16 school-based health clinics, we managed to get
17 something for eating disorders, for community
18 services to the elderly. We tried to do things
19 that were actually impacting as much of the state
20 as possible. Thanks to the help of the Assembly,
21 we were also, for example, able to put in
22 \$150,000 for the Breast Cancer Coalition of
23 Rochester. I know that Senator Helming --
24 through you, Mr. President -- cares deeply about
25 this.

1 As well as we did -- we tried to do
2 as much as we could for rural health across the
3 state. We put, for rural healthcare access
4 development, we put in \$550,000, as well as the
5 rural health network development we put in
6 \$550,000. We had to make some tough choices.
7 Unfortunately, there are some things that we
8 could not do. One of those was the million
9 dollars for Lyme and tick-borne disease. Another
10 one, as I mentioned earlier, was a \$27 million
11 pot for the City of New York that ultimately
12 amounts to a \$54 million cut, since it is
13 Medicaid money, for the greater Public Health
14 Works program.

15 So we tried to be as judicious as we
16 could across the state. It is unfortunate that
17 this is one of the things that we did not
18 ultimately include in the budget proposal,
19 Mr. President.

20 SENATOR SERINO: Does the sponsor
21 continue to yield?

22 ACTING PRESIDENT BENJAMIN: Does
23 the sponsor yield?

24 SENATOR RIVERA: Yes,
25 Mr. President.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR SERINO: And, Senator, I
4 don't know if you're aware of some of the
5 programs that the million dollars -- last year we
6 had a million. Every year we've kind of built
7 that up for the past four years. But we've given
8 money to the Cary Institute, Cornell, Stony Brook
9 on Long Island. And like right now the Cary
10 Institute, I think it's \$190,000, which is really
11 nothing when you think about it, but it's a lot
12 to them. They're doing a tick project. And the
13 tick project is through a variety of
14 neighborhoods and they're trying to see what
15 works to get rid of the ticks.

16 I was reading an article today that
17 said that instead of making May Lyme Awareness
18 Month, that we should make it April, because of
19 the increase in ticks.

20 So I just wanted to see if you were
21 aware of that financing going towards these
22 really critically important programs. And it
23 would be such a shame to not see that continue,
24 especially when I know -- I have sick people
25 coming in to see me all the time, whether it's an

1 adult that used to have a business and is walking
2 with a walker and they can't -- they have no
3 memory, it's affected their brain, or the
4 fourth-graders that have come up here and said,
5 "Hey, Senator Sue, I have rheumatoid arthritis,"
6 you know, are arthritic in their hands. Like
7 that's unbelievable.

8 So this small amount of money, when
9 you think about it, in a \$175 billion budget, is
10 so important. And budgets are about priorities.
11 So I didn't know if you were aware of those
12 programs that we helped fund for education,
13 prevention, and research.

14 SENATOR RIVERA: Through you,
15 Mr. President, I was aware of some of the
16 programs, not all of them.

17 And through you, Mr. President, I
18 certainly feel that obviously this is something
19 that's very serious for Senator Serino and
20 certainly very serious for many New Yorkers
21 across the state.

22 What I can tell you is that we did
23 provide some money to the Health Department. We
24 hope to work with the Health Department to
25 actually make sure that some of these programs

1 continue to exist. It is unfortunate that we
2 were not able to fund them at the levels that we
3 would have wanted. The reality is that we had to
4 do -- and most programs in Public Health Works
5 being one of them. That was a total cut of
6 \$27 million. But basically, across the entire
7 state, we had to make -- we had to cut most of
8 them.

9 This is -- I will tell you it was an
10 incredibly challenging budget year because this
11 is the budget that we were given by the
12 Executive. We had to abide within the parameters
13 that were there. And I certainly was scratching
14 my head as to why some of the cuts, for example,
15 that came in in the 30-day amendments came. I
16 wish that we had more to do more -- more money to
17 be able to distribute. The reality is that we do
18 not. And we, I believe, did the best that we
19 could. It is not that we don't care about these
20 programs in the Majority. It is that,
21 unfortunately, we had to make some very tough
22 choices, and this is what ultimately we decided
23 to do. Through you, Mr. President.

24 One -- I'm sorry, Mr. President.
25 Thank you for -- again, the warrior queens

1 continue to prove themselves incredibly valuable,
2 and I was just reminded of something,
3 Mr. President. In the one-house budget bill that
4 we did, we actually funded it, funded Lyme and
5 tick-borne diseases at a level of -- we actually
6 restored 1 million in our one-house. When we go
7 downstairs, though, that's when the things get
8 interesting. When the Assembly doesn't match us,
9 Mr. President, and the Executive resists us, then
10 we have to make some tough choices.

11 So ultimately the three-way
12 agreement that we were able to reach was what we
13 have in front of us. But I did want to again
14 thank my staff for reminding me, we actually,
15 knowing the importance of it, funded it in our
16 one-house budget. Ultimately, it did not make it
17 into the three-way agreement.

18 SENATOR SERINO: Thank you,
19 Mr. President. I'd like thank Senator Rivera.

20 And I'd like to move on to aging
21 now, if I could.

22 ACTING PRESIDENT BENJAMIN: Senator
23 Gianaris.

24 SENATOR GIANARIS: Please recognize
25 Senator May to answer these questions.

1 ACTING PRESIDENT BENJAMIN: Senator
2 May, do you yield for some questions?

3 SENATOR MAY: Absolutely.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR SERINO: Thank you,
7 Mr. President.

8 You know, for the past few years
9 I've carried a bill that would extend the elder
10 abuse hotline so it would operate 24 hours a day
11 and seven days a week. The Governor had vetoed
12 the bill, but he signaled support of it if we
13 were able to carry it in the context of the
14 budget. Last year we were able to reach a
15 compromise that would extend the hours for the
16 hotline that kept it open an additional three
17 hours a day so it would run at least till 8 p.m.
18 Monday through Friday. The Senate added \$326,000
19 to ensure that this was done.

20 Can you tell me if that funding was
21 included to ensure that the hotline can continue
22 to run on these extended hours?

23 SENATOR MAY: Okay, my
24 understanding is that wasn't in the SOFA budget,
25 that was in the human services budget. So we'll

1 have to get the numbers there.

2 SENATOR SERINO: Can I ask --
3 through you, Mr. President, can I ask if it was
4 put in the human services budget, was the
5 funding --

6 ACTING PRESIDENT BENJAMIN: Senator
7 May, do you yield?

8 SENATOR MAY: I believe it was not.
9 We did add money for the elder abuse education
10 and outreach through Lifespan, however.

11 SENATOR SERINO: Through you,
12 Mr. President, would the sponsor continue to
13 yield?

14 ACTING PRESIDENT BENJAMIN: Senator
15 May, do you yield?

16 SENATOR MAY: I do.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR SERINO: You know, for the
20 past few years I've gotten such pushback on this,
21 and I just really don't understand why. We're
22 not reinventing the wheel, we have a child abuse
23 24/7 hotline.

24 But I'll go on to my next question,
25 which is Community Services for the Elderly is a

1 program that we've always invested in because
2 it's a flexible funding system that allows
3 communities to fund programs that fit the unique
4 needs of their seniors. So like Meals on Wheels
5 or transportation for seniors or social adult day
6 services. Communities across New York have
7 countless seniors, actually thousands, that are
8 on wait lists to receive these services.

9 So can the sponsor tell me what the
10 appropriation for the CSE is in this budget?

11 SENATOR MAY: It's the same as last
12 year, \$31,183,000.

13 SENATOR SERINO: Does the sponsor
14 continue to yield?

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR MAY: Yes.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR SERINO: So last year I was
21 able to secure \$750,000, which was an increase
22 for CSE. Can the sponsor tell me why you have
23 chosen to hold this funding stream flat when we
24 know there's a dire need for these services?

25 SENATOR MAY: So my understanding

1 is that 31 million includes the addition that you
2 made last year, so that was continued again this
3 year.

4 But we also added \$15 million for
5 the EISEP, the Expanded In-home Services for the
6 Elderly Program, which also expands on this
7 program. So that is a net very significant
8 addition.

9 And the advocates for the elderly
10 are extremely happy with what's in the budget
11 this year.

12 SENATOR SERINO: Does the
13 sponsor -- through you, Mr. President, does the
14 sponsor continue to yield?

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor continue to yield?

17 SENATOR MAY: I do.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR SERINO: For Community
21 Services for the Elderly -- the difference
22 between EISEP is the Community Services for the
23 Elderly is a very flexible budget. So where in
24 one part of the state you might have a great need
25 for like Meals on Wheels, in another part you

1 might not. But it leaves it up to the localities
2 to be able to decide where they put that funding,
3 and that's where I'm afraid, without having that
4 additional funding there, we're not going to be
5 able to do that. So thank you.

6 SENATOR MAY: Is there more?

7 SENATOR SERINO: No.

8 On the bill, Mr. President.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Serino on the bill.

11 SENATOR SERINO: While I was
12 encouraged to see that funding was included to
13 support the programs that my colleagues and I
14 have led the way on for years -- funding for
15 Lifespan, as the Senator mentioned, funding to
16 expand a program that helps senior victims of
17 financial abuse to recoup stolen funds, which is
18 an amazing program. But I'm so disappointed to
19 see that a small step like extending the elder
20 abuse hotline to protect vulnerable seniors was
21 not carried forward by the Majority -- as I
22 mentioned, a \$326,000 addition.

23 And on Community Services for the
24 Elderly, this is a program that we know works.
25 And as I said, the wait lists are phenomenal.

1 It's thousands and thousands of people. And this
2 allows localities to tailor the programs to meet
3 the needs of their seniors.

4 Instead of funding this year,
5 establishing a new private-pay model for senior
6 services that will eventually allow the state to
7 profit off the backs of our seniors. When it
8 comes to senior services, I think you have the
9 priorities backwards.

10 And now we're going to go back to
11 Lyme.

12 The fact that there is no funding
13 included for Lyme and tick-borne diseases -- when
14 we know that this is a rapidly growing problem
15 that affects New Yorkers across the state -- is
16 outrageous to me. With so many members on the
17 other side of the aisle from the Hudson Valley
18 and Long Island, I am truly shocked. I can only
19 assume that you are not hearing the voices of
20 your constituents who are suffering, because I
21 doubt you could ignore them if you did.

22 Just this week Syracuse.com reported
23 that we are slated to see an especially high
24 number of ticks this spring and summer. Imagine
25 that. Now is absolutely not the time to be

1 cutting the little bit of funding we have been
2 able to secure to address this epidemic. I can
3 only hope that my colleagues across the aisle
4 will go home to their districts and take the time
5 to meet with their constituents who have been
6 impacted by Lyme, hear them, and work to make
7 combating it a real priority.

8 Budgets are all about priorities.
9 In a \$175 billion budget, a budget that
10 eventually intends to set aside up to
11 \$100 million to spend on welfare for politicians,
12 I find it hard to believe that you couldn't find
13 \$1 million to better protect New Yorkers from a
14 public health epidemic.

15 This bill absolutely misses the
16 mark, and I will be voting no, Mr. President.
17 Thank you.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Amedore.

20 SENATOR AMEDORE: Mr. President,
21 will the Senator or the sponsor of HMM Part Y of
22 the budget yield for some questions? That's the
23 direct care human service COLA.

24 SENATOR GIANARIS: Mr. President,
25 Senator Carlucci will be answering questions on

1 this.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Carlucci, do you yield for questions?

4 SENATOR CARLUCCI: Yes, I do.
5 Thank you.

6 ACTING PRESIDENT BENJAMIN: the
7 sponsor yields.

8 SENATOR AMEDORE: Thank you,
9 Mr. President. Thank you, Senator Carlucci.
10 Can you tell me if there is funding
11 in this year's budget for direct support
12 professionals, and how much?

13 SENATOR CARLUCCI: Yes. We were
14 able to put together a 2 percent raise for direct
15 care workers starting January 1, 2020, and then
16 another 2 percent raise will take effect in April
17 of 2020.

18 SENATOR AMEDORE: Will the sponsor
19 continue to yield, Mr. President?

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR CARLUCCI: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR AMEDORE: What

1 professionals are eligible for these funds?

2 SENATOR CARLUCCI: So we have the
3 direct service workers, and it's broken out all
4 the employees that are actually eligible, in one
5 of the documents I have. But it's the 100s,
6 200s, and 300s.

7 So the direct care workers, just to
8 be brief, just to name a few, would be the mental
9 hygiene workers, counselors, peer specialists and
10 others providing direct care services in OPWDD,
11 OASAS and OMH.

12 SENATOR AMEDORE: Mr. President,
13 will the sponsor continue to yield?

14 ACTING PRESIDENT BENJAMIN: Does
15 the sponsor yield?

16 SENATOR CARLUCCI: Yes.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR AMEDORE: Senator Carlucci,
20 is there funding for a human services COLA in
21 this budget this year?

22 SENATOR CARLUCCI: Unfortunately,
23 there is not. Through you, Mr. President.

24 SENATOR AMEDORE: Why wasn't there
25 any funding? Through you, Mr. President.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR CARLUCCI: Thank you,
4 Senator Amedore. Yes, I yield, Mr. President.

5 Yes, and unfortunately this is
6 something that we were working towards and
7 pushing the Governor. As you know, it wasn't
8 included in the Governor's Executive Budget. We
9 had pushed in our one-house to get a COLA for --
10 across the board for all of our agencies, but
11 unfortunately we just couldn't get there in
12 negotiations. And unfortunately, that's
13 something that we're going to have to pick up and
14 start working towards to make sure we can
15 eventually get that COLA increase.

16 SENATOR AMEDORE: Through you,
17 Mr. President, I know that --

18 ACTING PRESIDENT BENJAMIN: Are you
19 asking the sponsor to yield or --

20 SENATOR AMEDORE: Yes, ask the
21 sponsor to yield for another question.

22 ACTING PRESIDENT BENJAMIN: Does
23 the sponsor yield?

24 SENATOR CARLUCCI: Yes.

25 ACTING PRESIDENT BENJAMIN: The

1 sponsor yields.

2 SENATOR AMEDORE: Knowing all of
3 the advocates and the providers, you know,
4 there's one thing that they've requested year
5 after year, and that is a COLA increase. And
6 this -- unfortunately now you're telling me that
7 this budget doesn't have one.

8 Do you have plans, are there plans
9 to implement such COLA increases next year?

10 SENATOR CARLUCCI: That's --
11 through you, Mr. President -- definitely my idea,
12 and I know the Senate Majority would love to work
13 in that direction.

14 Unfortunately, we know the
15 projection was \$142 million to do the full COLA,
16 something that this body wanted to do. We
17 couldn't get there in negotiations with the
18 Governor. And it's true, we have to make sure
19 we're providing a cost-of-living adjustment to
20 our hardest-working members of society taking
21 care of our most vulnerable populations. So I
22 know it's the intention of the Senate Democratic
23 Conference to push forward that measure. And
24 that's why we said we have to do something, and
25 we cobbled the money together to do a raise for

1 direct care workers. And that's what we're able
2 to deliver in this budget.

3 SENATOR AMEDORE: Thank you,
4 Senator Carlucci.

5 Mr. President, I have a question to
6 the sponsor or the Senator under Part GG funding
7 for OASAS treatment, recovery, prevention and
8 education services.

9 SENATOR CARLUCCI: I think Senator
10 Harckham could take it.

11 SENATOR GIANARIS: Mr. President,
12 could I just ask the subject matter? I wasn't
13 paying attention to the question.

14 SENATOR AMEDORE: Mr. President, I
15 have questions to the sponsor on funding for
16 OASAS opiate treatment, recovery, prevention and
17 education services. It's under Part GG.

18 SENATOR GIANARIS: Thank you,
19 Senator Amedore. That would be Senator Harckham,
20 please, Mr. President.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Harckham, do you yield for a question?

23 SENATOR HARCKHAM: I do.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR AMEDORE: Thank you,
2 Senator Gianaris. Thank you, Senator Harckham.

3 There's language here in Part GG --
4 how did the sponsor come up with the figure of
5 \$100 million stated in this part of the budget?

6 SENATOR HARCKHAM: Through you,
7 Mr. President, this was as a result of the opioid
8 tax that actually passed last year under the
9 previous majority and was ruled illegal by the
10 courts and did leave a hole in the budget. And
11 we realized that we needed to fill that hole, and
12 so we decided to accept that measure as it was
13 revised and provided in the Executive Budget, and
14 we decided as a one-house to dedicate that
15 funding to OASAS and to opioid treatment.

16 SENATOR AMEDORE: Through you,
17 Mr. President, would the sponsor continue to
18 yield?

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR HARCKHAM: Absolutely.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR AMEDORE: Will this money
25 be used for new programs, or will it be used as

1 General Fund relief to support existing programs?

2 SENATOR HARCKHAM: Through you,
3 Mr. President, our intent is for new programming.

4 SENATOR AMEDORE: Through you,
5 Mr. President, will the sponsor continue to
6 yield?

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR HARCKHAM: Absolutely.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR AMEDORE: Senator Harckham,
13 will the funding be divided equitably to programs
14 throughout the state? Who will determine that?

15 SENATOR HARCKHAM: Absolutely. We
16 will be working with OASAS, through our committee
17 and through the Committee on Health, and actually
18 after the budget we'll be putting together a task
19 force to travel throughout the state -- rural
20 areas, upstate, urban areas, suburban -- to
21 ascertain exactly what the gaps in the system
22 are.

23 We took great strides in this budget
24 that will save lives. We actually moved the
25 needle from 14 days to 28 days on insurance

1 concurrent review or prior authorization, both
2 for inpatient and for outpatient services. We
3 reduced copays from multi-copays per visit to
4 one. These will save lives, these measures, so
5 we're off to a good start. And then we will find
6 out what other gaps in the system there are, and
7 this funding will be disbursed equitably.

8 SENATOR AMEDORE: Mr. President,
9 will the sponsor continue to yield?

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR HARCKHAM: Absolutely.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR AMEDORE: Thank you,
16 Senator Harckham. You know, I know during the
17 budget hearings last year I asked that specific
18 question to the commissioner of OASAS, and even
19 at that time that -- at that point she could not
20 answer that question that they would allocate
21 such new funds to go to new programs, but that it
22 could potentially be used or would be used as the
23 relief fund for the existing programs.

24 And we all know, as I said during my
25 attempt of that amendment, that we in New York --

1 quite frankly, this country -- we face a huge
2 epidemic of addiction. Whether it's nationally,
3 over 77,000 people have died because of overdose
4 deaths, or in this state thousands of people have
5 lost their lives or families have been wrecked,
6 pulled apart financially, ruined because of
7 addiction.

8 So when you talk about this
9 vagueness of -- or the intent maybe of having
10 \$100 million being -- going towards being used
11 for the services that we have expanded these last
12 few years in the state, how can you say to me
13 today that you believe they're going to be for
14 new programs when in fact the commissioner can't
15 even commit to such a question?

16 SENATOR HARCKHAM: Through you,
17 Mr. President. First, I would say we are not
18 relying on testimony from last year's budget
19 hearings, we rely on testimony from this year's
20 budget hearings. I was not here last year, and
21 there's a lot that's changed from last year.
22 We're talking about this year. And this year is
23 OASAS has told us they will spend every penny we
24 can give them.

25 And I assure you, Senator, that this

1 Majority, every much as you do, shares your
2 passion and concern for the opioid epidemic and
3 the people that are dying in this state.

4 SENATOR AMEDORE: Will the sponsor
5 continue to yield for one more question?

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR HARCKHAM: Absolutely.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR AMEDORE: I thank you again
12 for your indulgence on the answer. And Senator
13 Harckham, it sounds like you have that compassion
14 and that great desire to help those who struggle
15 with addiction in this state.

16 But if you're so committed and if
17 this Majority is so committed to such efforts,
18 then why haven't we seen any language even in the
19 revenue bill directing this new money, this tax,
20 to be directed specifically to new programs? As
21 we know that the State of New York lacks
22 programs, services, expansion in so many ways in
23 areas to help those most vulnerable in society.

24 SENATOR HARCKHAM: Through you,
25 Mr. President, and that will be our charge as the

1 Health Committee, as a Legislature, as a
2 Committee on Alcoholism and Substance Abuse, is
3 to work with our colleagues at OASAS to ascertain
4 what those needs are and to get those funds
5 directly where they need to be.

6 SENATOR AMEDORE: Thank you,
7 Mr. President. No further questions.

8 ACTING PRESIDENT BENJAMIN: Are
9 there any other Senators wishing to be heard?

10 Seeing and hearing none, debate is
11 closed.

12 Senator Gianaris.

13 SENATOR GIANARIS: Mr. President,
14 as discussed, we're going to lay aside this bill
15 temporarily pending the receipt of a message from
16 the Governor. And at this point we will be
17 calling an immediate conference for the
18 Democratic Conference. And there's actually
19 dinner available in the members' lounge, so if
20 members can get their food and get to conference,
21 we can get back at 8 o'clock for session.

22 And please call on Senator Griffo.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Griffo.

25 SENATOR GRIFFO: Mr. President,

1 there will be an immediate meeting of the
2 Republican Conference in Room 315.

3 ACTING PRESIDENT BENJAMIN: There
4 will be immediate meeting of the Democratic
5 Conference and an immediate meeting of the
6 Republican Conference.

7 SENATOR GIANARIS: The Senate will
8 stand at ease, Mr. President.

9 ACTING PRESIDENT BENJAMIN: The
10 Senate will stand at ease.

11 (Whereupon, the Senate stood at ease
12 at 6:42 p.m.)

13 (Whereupon, the Senate reconvened at
14 8:58 p.m.)

15 ACTING PRESIDENT BENJAMIN: The
16 Senate will return to order.

17 Senator Gianaris.

18 SENATOR GIANARIS: Mr. President, I
19 believe there's a report of the Finance Committee
20 at the desk.

21 ACTING PRESIDENT BENJAMIN: There
22 is a report of the Finance Committee at the desk.

23 The Secretary will read.

24 THE SECRETARY: Senator Krueger,
25 from the Committee on Finance, reports the

1 following bills:

2 Senate Print 1500D, Senate Budget
3 Bill, an act making appropriations for the
4 support of government: STATE OPERATIONS BUDGET;

5 Senate Print 1501A, Senate Budget
6 Bill, an act making appropriations for the
7 support of government: LEGISLATURE AND JUDICIARY
8 BUDGET; and

9 Senate Print 1509C, Senate Budget
10 Bill, an act to amend Part U of Chapter 61 of the
11 Laws of 2011.

12 All bills ordered direct to third
13 reading.

14 SENATOR GIANARIS: Move to accept
15 the report of the Finance Committee.

16 ACTING PRESIDENT BENJAMIN: All in
17 favor of accepting the Committee on Finance
18 report signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT BENJAMIN:
21 Opposed?

22 (No response.)

23 ACTING PRESIDENT BENJAMIN: The
24 Committee on Finance report is accepted and
25 before the house.

1 Senator Gianaris.

2 SENATOR GIANARIS: Mr. President,
3 can we now take up Senate Supplemental Calendar
4 30B.

5 ACTING PRESIDENT BENJAMIN: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 361, Senate Print 1500D, an act making
9 appropriations for the support of government.

10 SENATOR GIANARIS: Lay it aside
11 temporarily.

12 ACTING PRESIDENT BENJAMIN: Lay it
13 aside temporarily.

14 THE SECRETARY: Calendar Number
15 362, Senate Print 1501A, an act making
16 appropriations for the support of government.

17 SENATOR GIANARIS: Lay it aside
18 temporarily, please.

19 ACTING PRESIDENT BENJAMIN: Lay it
20 aside temporarily.

21 THE SECRETARY: Calendar Number
22 363, Senate Print 1509C, an act to amend Part U
23 of Chapter 61 of the Laws of 2011.

24 SENATOR GIANARIS: Mr. President,
25 is there a message of necessity at the desk?

1 ACTING PRESIDENT BENJAMIN: There
2 is a message of necessity at the desk.

3 SENATOR GIANARIS: Move to accept
4 the message.

5 ACTING PRESIDENT BENJAMIN: All in
6 favor of accepting the message of necessity
7 signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT BENJAMIN:
10 Opposed?

11 (Response of "Nay.")

12 ACTING PRESIDENT BENJAMIN: The
13 message is accepted, and the bill is before the
14 house.

15 Read the last section.

16 THE SECRETARY: Section 3. This
17 act shall take effect immediately.

18 SENATOR GRIFFO: Lay it aside.

19 ACTING PRESIDENT BENJAMIN: Lay it
20 aside.

21 Senator Gianaris.

22 SENATOR GIANARIS: Mr. President,
23 can we now take up the controversial calendar.

24 ACTING PRESIDENT BENJAMIN: The
25 Secretary will ring the bell.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 363, Senate Print 1509C, an act to amend Part U
4 of Chapter 61 of the Laws of 2011.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Seward.

7 SENATOR SEWARD: Yes, thank you
8 very much, Mr. President. I would ask if --
9 would Senator Krueger yield for a couple of
10 questions?

11 ACTING PRESIDENT BENJAMIN: Does
12 the Senator yield?

13 SENATOR KRUEGER: I will yield for
14 more than a couple of questions if Senator Seward
15 would like.

16 ACTING PRESIDENT BENJAMIN: The
17 Senator yields.

18 SENATOR SEWARD: Since we are on
19 the revenue bill, let's talk revenues.

20 SENATOR KRUEGER: Oh, good, let's
21 talk revenues.

22 SENATOR SEWARD: The Executive
23 Budget had over a billion dollars in tax
24 increases and revenue raisers. Which ones did
25 not make it into the final budget, and what was

1 the fiscal impact of each of those rejections?
2 Are there any in the Governor's original proposal
3 not in this budget before us?

4 SENATOR KRUEGER: We think all of
5 the Governor's original revenue survived until
6 this budget bill.

7 SENATOR SEWARD: So does that mean
8 that the millionaire's tax is included in the
9 budget? And how much is it worth this year and
10 next year?

11 SENATOR KRUEGER: Okay, the
12 continuation of the higher personal income tax
13 rate five-year extension for 2019-2020 is scored
14 at 771 million, and for 2021 it's scored at
15 3.56 billion.

16 SENATOR SEWARD: And so does this
17 mean that the prescription opioid tax is included
18 in the budget? And how much is that worth this
19 year and next year?

20 SENATOR KRUEGER: So it was already
21 baked into the financial plan from the
22 100 million we put in last year, but because of
23 the court decision we couldn't use that. So that
24 is now applied to this year.

25 SENATOR SEWARD: So does this

1 mean -- does that mean that the -- for example,
2 the upstate auto rental tax, that's included in
3 this budget?

4 SENATOR KRUEGER: Yes.

5 SENATOR SEWARD: And at what
6 percentage? And how much is that worth in terms
7 of revenue this year and next year?

8 SENATOR KRUEGER: We know it's
9 6 percent. And it's -- I'm sorry, excuse me, to
10 speak into the mic. It's a 6 percent auto rental
11 surcharge, and it's 22 million in revenue this
12 year, 36 million in the next year.

13 SENATOR SEWARD: If the Senator
14 would continue to yield.

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR KRUEGER: Yes, I do.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR SEWARD: So the Governor
21 put in his budget a 5 percent, and it's now
22 6 percent.

23 SENATOR KRUEGER: That's correct.
24 And it's intended to go to upstate transit.

25 SENATOR SEWARD: Okay. Speaking of

1 that, where does the -- where do the tax dollars
2 from this new upstate auto rental tax, where do
3 the tax dollars from this new tax get deposited,
4 and for what purpose?

5 SENATOR KRUEGER: So it is intended
6 to be used for upstate transit in the non-MTA
7 region. Is that right? Yes, I guessed right, in
8 the non-MTA region.

9 SENATOR SEWARD: If the Senator
10 would continue to yield.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR KRUEGER: Yes, I will.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR SEWARD: What happens to
17 the money collected in those counties that don't
18 have a funded transit system? They're paying the
19 tax and they don't have a transit system. That
20 includes some upstate counties.

21 SENATOR KRUEGER: So a county that
22 has absolutely no bus service and no transit
23 service?

24 SENATOR SEWARD: Mm-hmm. Sure.

25 SENATOR KRUEGER: They're thinking.

1 One moment.

2 So we're not sure, Senator. It's a
3 good question, and we will try to get you that
4 answer from a different staffer if you'd just
5 give us another moment.

6 We believe that if you're a county
7 without any transit system, you're not eligible
8 to draw down on this funding source.

9 SENATOR SEWARD: If the Senator
10 would continue to yield.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR KRUEGER: Yes, I will.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR SEWARD: I'd say that's a
17 glaring problem, because they're paying into this
18 fund and have no way to receive any benefits from
19 it.

20 But let's move on to -- I want to
21 return -- two more questions, if the Senator
22 would yield.

23 ACTING PRESIDENT BENJAMIN: Does
24 the sponsor yield for two questions?

25 SENATOR KRUEGER: Yes, I will.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR SEWARD: Returning to the
4 prescription opioid tax, can that be passed on to
5 the final consumer, either in the price or
6 otherwise?

7 SENATOR KRUEGER: Yes, we believe
8 that it can be.

9 SENATOR SEWARD: If the Senator
10 would continue to yield.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR SEWARD: So that means that
17 those New Yorkers who get prescription opioids,
18 they will be looking at paying an extra
19 \$100 million collectively each year.

20 SENATOR KRUEGER: Well, hopefully
21 not individually, that no one's -- but yes, there
22 is the reality that people will -- not all of
23 them, because in some cases if the primary first
24 seller was not a consumer, not to a consumer,
25 someone else would be picking up the tax. But

1 the truth is all taxes end up being rolled down
2 the hill. So I would say honestly, yes, that
3 consumers will see an increase in the price of
4 opioids. What we hope is that fewer people are
5 using opioids over time.

6 SENATOR SEWARD: If the Senator
7 would continue to yield.

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR SEWARD: So I'd say that's
14 another glaring problem with this revenue bill,
15 is the fact that New Yorkers who get a
16 prescription for opioids, their doctor says this
17 is what they need, are going to be paying
18 \$100 million more throughout the state.

19 But moving on to a question, the
20 final question, are there any new revenue raisers
21 in this budget that were not included in the
22 executive's proposed budget? And if so, what are
23 they and how much revenue do they raise?

24 SENATOR KRUEGER: So we did create
25 a real estate transfer tax on New York City only,

1 as well as a -- what's being referred to as a
2 mansion tax on New York City only, with an
3 estimated revenue in 2020 of 243 million and in
4 2021 of 378 million. And these revenues would be
5 delivered into a lockbox for the MTA.

6 SENATOR SEWARD: If the Senator
7 would continue to yield, I thought of another
8 question.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR SEWARD: In the -- as I
15 read the new -- the internet tax portion in the
16 so-called marketplace, what are the distribution
17 of those taxes?

18 If I could just clarify the
19 question, when I say the distribution of the
20 taxes I'm talking about the sales taxes that are
21 collected.

22 SENATOR KRUEGER: Thank you.

23 So the internet sales tax would
24 provide -- excuse me, would generate 160 million
25 in new revenue for local governments and

1 320 million for the MTA capital plan lockbox,
2 supporting up to 5 billion in bonding for the
3 MTA.

4 SENATOR SEWARD: If the Senator
5 would continue to yield.

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR SEWARD: If I understand
12 your answer then, Senator, this would be
13 statewide sales tax revenues going specifically
14 to the MTA.

15 SENATOR KRUEGER: No. So the
16 state-collected sales tax, which would be
17 160 million, that goes to local governments. And
18 then there's 320 million that ends up going to
19 the MTA, which is a combination of the City of
20 New York's internet sales tax as well as the
21 state's share.

22 So state money that it would be
23 collecting, plus the city's local share, go to
24 MTA; that's 320 million. And the counties' share
25 of their local sales tax goes to them, and that's

1 160 million. That does not go to the MTA
2 lockbox.

3 SENATOR SEWARD: If the Senator
4 would continue to yield. The more answers I get,
5 the more questions I have.

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR KRUEGER: Of course.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR SEWARD: Of course, you
12 keep mentioning the 160 million for counties.
13 It's my understanding that they're going to have
14 to share that with local municipalities to make
15 up the cut in the AIM funding.

16 But also it is true if it's state
17 sales tax money, that's being collected from
18 New Yorkers from all over the state. And that
19 state sales tax money is being directed to the
20 MTA?

21 SENATOR KRUEGER: No. So if it's
22 the locality's share, it goes to the county and
23 then that gets shared with the localities within
24 the county as other sales taxes do. The state's
25 share of the sales tax would go to the MTA -- no?

1 One second. Thank you.

2 The state's share of internet tax
3 does not go to the MTA unless it's the New York
4 City share. So I misspoke before. So the only
5 internet taxes that are going to the MTA lockbox
6 are those generated from the City of New York.

7 SENATOR SEWARD: If the Senator
8 would continue to yield.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR SEWARD: It's our reading
15 of this provision that Part G refers to the
16 central business district tolling capital
17 lockbox, that it refers to state sales tax. And
18 you're saying that it is only from sales tax from
19 the City of New York. It's very unclear.

20 SENATOR KRUEGER: One moment.

21 So I believe that the answer, to
22 clarify your question, is that the sales tax
23 collected from people who live in the City of
24 New York and do business on the internet, both
25 the state's share of that and the city's share of

1 that both go to the MTA lockbox.

2 But if you don't live in the City of
3 New York and you are paying your internet taxes
4 to anywhere else in the state, then that does not
5 go to the MTA lockbox.

6 SENATOR SEWARD: Thank you for
7 responding.

8 SENATOR KRUEGER: You're welcome.

9 SENATOR SEWARD: I know others want
10 to speak. But briefly on the bill,
11 Mr. President.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Seward on the bill.

14 SENATOR SEWARD: What a difference,
15 you know, five or so months mean in this process.
16 I was quite taken by comments of our new Democrat
17 leader, our new Majority Leader right after the
18 election. She was quoted as saying now that
19 Democrats won a majority, their incoming leader
20 said Democrats have no plans to raise taxes on
21 New Yorkers. "We're not interested in that,"
22 according to our Majority Leader.

23 But what a difference five months
24 make. Because of the fact that in this budget,
25 the first budget presented to us by the new

1 Majority, there's \$1.404 billion in new taxes
2 that will hit New Yorkers this year. Next year
3 that number grows to 4.558 billion. This is
4 exactly the wrong direction for New York State.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Amedore.

8 SENATOR AMEDORE: Thank you,
9 Mr. President. Will the sponsor yield for a
10 couple of questions, Senator Krueger?

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR KRUEGER: Certainly.

14 SENATOR AMEDORE: Thank you,
15 Senator Krueger.

16 I want to chat about the opiate tax.

17 SENATOR KRUEGER: The opioid tax.

18 SENATOR AMEDORE: Yes. According
19 to the language of the bill, buprenorphine and
20 methadone are excluded from the tax. Would other
21 medication-assisted-treatment drugs such as
22 Suboxone or Vivitrol be included in this tax?

23 SENATOR KRUEGER: So there are only
24 three drugs exempt, methadones, morphine and --
25 wait, we're looking up the third one. But we

1 also exempt drugs used by hospices and --
2 buprenephine {sic}. I wish I knew what that was,
3 I would be more articulate about that one. Oh,
4 it is like Suboxone. So yes, that is exempt.
5 And hospice drugs are exempt. And drugs used by
6 substance abuse programs are exempt.

7 SENATOR AMEDORE: Will the sponsor
8 continue to yield?

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR AMEDORE: Thank you for the
15 answer. You know, Suboxone is a combination of
16 Naloxone and buprenorphine. So buprenorphine is
17 what you were explaining that is exempt, as well
18 as methadone.

19 But Suboxone is not. Vivitrol is
20 not exempt. And these drugs, these are medically
21 assisted treatment that works. And so that's why
22 I asked if they would be exempt from this tax,
23 but I don't see the language that they are.

24 SENATOR KRUEGER: So I don't know
25 that this does address mixes of the combination

1 of drugs. So if it's a combination of morphine
2 and naproxen to create something else, then I'm
3 not sure that it would be covered.

4 SENATOR AMEDORE: Will the sponsor
5 continue to yield?

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR AMEDORE: You mentioned
12 morphine. It is excluded from this tax, and
13 other common drugs used in hospice care such as
14 tramadol and transdermal fentanyl, they're not
15 excluded. And these are drugs that are widely
16 used by hospice. Why are these drugs, other
17 drugs not exempt from the tax?

18 SENATOR KRUEGER: So the named
19 individual drugs are not exempt. But if the
20 hospice is purchasing the drugs, then they are
21 exempt. So I'm assuming the drugs you're
22 describing used by hospices would be purchased by
23 hospice, so then they would be exempt.

24 SENATOR AMEDORE: Will the sponsor
25 continue to yield?

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR AMEDORE: Thank you.

7 According to the language of the
8 bill, hospice addiction treatment centers are
9 exempt from this tax. Was an exemption for
10 palliative care and cancer patients considered?
11 Because I don't see that they're exempt as well.

12 SENATOR KRUEGER: One moment.

13 So I think you're correct, those are
14 not exempt. You would have to be a hospice
15 provider or an OASAS provider. So sometimes
16 palliative care is provided in the context of
17 hospice services, but sometimes it is not.

18 Although if you're -- well, I'm not
19 a doctor, but if you're prescribing morphine to
20 someone, it's probably more likely to be in a
21 hospice center than in a palliative care/chronic
22 illness setting situation.

23 SENATOR AMEDORE: Through you,
24 Mr. President, I believe that, you know,
25 whether --

1 ACTING PRESIDENT BENJAMIN: Are you
2 asking the sponsor to yield or are you on the
3 bill?

4 SENATOR AMEDORE: Just quickly on
5 the bill.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Amedore on the bill.

8 SENATOR AMEDORE: Someone who is
9 going through cancer treatment may not need
10 morphine coming from hospice, but being treated
11 for the pain and the diagnoses that they have.
12 It is separate: Hospice, palliative care, and
13 cancer treatment. So --

14 SENATOR KRUEGER: That's correct.

15 SENATOR AMEDORE: -- you know,
16 that's why I brought this up.

17 Well, Mr. President, will the
18 sponsor continue to yield?

19 ACTING PRESIDENT BENJAMIN: Will
20 the sponsor continue to yield?

21 SENATOR KRUEGER: Yes, I will.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR AMEDORE: You know, from
25 what I'm able to gather from the revenue --

1 having the discussion that you had with
2 Senator Seward, you talked about \$100 million
3 being generated from this tax. Is that correct?

4 SENATOR KRUEGER: That's the
5 projection.

6 SENATOR AMEDORE: Mr. President,
7 will the Senator continue to yield?

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR AMEDORE: So if there was
14 around \$100 million that's going to be generated,
15 I believe that that tax would go straight to the
16 General Fund and not to prevention, treatment or
17 recovery programs operated by authorized or
18 certified OASAS providers. Is that correct?

19 SENATOR KRUEGER: Because of the
20 legal decision from last year, the Executive
21 would not link this money with a specific
22 purpose. So it is to the General Fund, to avoid
23 the legal problems of last year.

24 SENATOR AMEDORE: Will the sponsor
25 continue to yield?

1 ACTING PRESIDENT BENJAMIN: Will
2 the sponsor yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR AMEDORE: You know, the
7 last bill we talked about -- and I had a
8 discussion with Senator Harckham, we talked about
9 Part GG of the HMH bill. And whether it was Part
10 GG or -- that gave that language of the intent of
11 the \$100 million to be allocated. Now you're
12 saying in this bill that it's not allocated to
13 any prevention, treatment or recovery programs at
14 all.

15 My question to you, Senator Krueger,
16 is will any of the revenue be used to fund
17 housing programs or new programs that will
18 support those who are fighting addiction?

19 SENATOR KRUEGER: So again, I was
20 out in the Finance Committee before when you had
21 your discussion with Senator Harckham, so I don't
22 want to misspeak. But my general understanding
23 is there's a commitment to \$100 million for
24 substance abuse, opioid addiction treatment. But
25 that is not necessarily the 100 million from the

1 opioid tax, because money is fungible, that tax
2 money is going into the General Fund, and which
3 dollar comes out for which purpose at any given
4 day, none of us know.

5 So again, I'm going to stick with,
6 for legal purposes, the Executive has made clear
7 that there cannot be a direct connection between
8 this tax and a specific purpose.

9 SENATOR AMEDORE: Thank you,
10 Senator Krueger.

11 Mr. President, on the bill.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Amedore on the bill.

14 SENATOR AMEDORE: Here we go again,
15 New York State at its finest. We found a new
16 tax, a way that we can tax our seniors who are
17 suffering with chronic pain, who are battling
18 cancer, who need to go to hospice in maybe their
19 last days of life. We go to someone -- we're
20 asking someone who is battling with addiction,
21 and they need medically assisted treatment. And
22 if they were prescribed Vivitrol or Suboxone,
23 we're making them pay more because these
24 exemptions don't exist.

25 How can we say with a straight face

1 to our seniors and go back to our districts to
2 say, You know what, we got your back, we made
3 New York a little bit more affordable. Our
4 veterans who are suffering with chronic pain,
5 many of them. How could you say you got their
6 back, you don't have to pay any more because, you
7 know, we care for our citizens?

8 This tax is a direct shot to their
9 pockets. And they're struggling to make ends
10 meet, they're dealing with medical issues, some
11 are dealing with addiction issues, families who
12 are struggling to find help, need new programs,
13 need to have supportive housing. These answers
14 are not found in this house.

15 But what we do here is that
16 \$100 million, potentially \$100 million, can just
17 go right into the General Fund and the Governor
18 can spend it, I guess, however he feels fit.
19 Mr. President, I don't find that that is the
20 right thing to do, and I will be voting in the
21 negative.

22 ACTING PRESIDENT BENJAMIN: Senator
23 Ortt.

24 SENATOR ORTT: Thank you,
25 Mr. President.

1 Would the -- would Senator Krueger
2 yield to some questions.

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR KRUEGER: I will.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR ORTT: Thank you very much
9 you. Through you, Mr. President, my questions to
10 Senator Krueger, to the sponsor, center on the
11 New York State film tax credit.

12 Could the sponsor tell me what
13 percentage of the film credit reimbursements go
14 to New York City?

15 SENATOR KRUEGER: We're trying to
16 get that answer for you.

17 We don't have an answer for you. We
18 are trying to reach out to people. But I will
19 tell you I believe it's the significant majority.

20 SENATOR ORTT: Through you,
21 Mr. President, I thank the sponsor for the
22 educated answer, the educated hypothesis. I
23 share her thought or feeling on that. But I will
24 move along, and if she does get a concrete
25 answer, we can always revisit that.

1 So through you, would the sponsor
2 continue to yield?

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR KRUEGER: Yes, I will.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR ORTT: Through you,
9 Mr. President, are there any other industries
10 that the sponsor is aware of that receive a
11 credit where 30 to 40 percent of their production
12 costs are subsidized?

13 SENATOR KRUEGER: I don't think so.
14 I mean, manufacturing is down to zero taxation,
15 so I'm not sure about a credit there because
16 we've now zeroed out their taxes. But I don't
17 know off the top of my head if there are any that
18 fit exactly the model for the film tax credit.

19 SENATOR ORTT: Through you,
20 Mr. President, will the sponsor continue to
21 yield?

22 ACTING PRESIDENT BENJAMIN: Will
23 the sponsor yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT BENJAMIN: The

1 sponsor yields.

2 SENATOR ORTT: Does the sponsor
3 know how many permanent jobs this credit has
4 created, permanent, full-time, year-round jobs?

5 SENATOR KRUEGER: Sorry. Sorry for
6 the delay.

7 So according to a spreadsheet I am
8 looking at, in 2016, with qualified costs of
9 \$426 million, there were 39,946 hires. It's a
10 little hard to read this chart.

11 So it varies per season. And this
12 is quarterly data, so it's ranged from 41,000 for
13 a quarter up to 58 -- oh, 63,000 for a quarter.
14 So there are seasonal differences.

15 And I'm assuming we can transfer
16 this chart to you. I'm not smart enough to, but
17 that someone will be able to transfer it to you.

18 SENATOR ORTT: Through you,
19 Mr. President, will the sponsor continue to
20 yield.

21 ACTING PRESIDENT BENJAMIN: Does
22 the sponsor yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR ORTT: So through you,
2 Mr. President, just so I'm clear, the sponsor
3 said seasonal. And I'm looking forward to seeing
4 the chart. But my question was -- so that's
5 permanent jobs, jobs that are not seasonal, jobs
6 that are created permanently here in the State of
7 New York as a result of this credit. The answer
8 sounds like those jobs might be temporary. I
9 just want to get some clarification on that.

10 SENATOR KRUEGER: So most of these
11 jobs, whether it's film, TV, commercials, are
12 jobs that come and go for different periods of
13 time, not unlike construction jobs for union
14 workers. And in fact, these are mostly union
15 jobs.

16 So you can track it in totals by the
17 dollar numbers and the wages. But in fact if I
18 am working on producing -- no, I'm sorry, if I'm
19 a staff person on a film, I might be on for six
20 months and then not working for several months.
21 If I'm on a TV show, they tend to produce seasons
22 and then go on hiatus and come back. They
23 certainly hope for the next season.

24 So it is a rotating industry, and it
25 actually does have seasons.

1 SENATOR ORTT: Through you,
2 Mr. President, will the sponsor continue to
3 yield?

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR ORTT: Can the sponsor
10 identify or tell me how many MWBE firms have been
11 recipients of this credit?

12 SENATOR KRUEGER: There is no
13 specific MWBE component to the film tax credit.

14 SENATOR ORTT: Through you,
15 Mr. President, will the sponsor continue to
16 yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR ORTT: Would the sponsor
21 agree or disagree with the following sentiment,
22 and I quote, that "this credit is too generous
23 compared to any other state."

24 SENATOR KRUEGER: May I ask whose
25 quote that is?

1 SENATOR ORTT: Yours.

2 SENATOR KRUEGER: That's what I
3 thought.

4 You know, I'm not sure. I did say
5 that. And then I've also been watching and
6 looking at the data on how New York's film and
7 tax productions have continued to grow, have
8 continued to create jobs year after year. We've
9 watched now several other states decide to reduce
10 their credits and have seen a reduction in the
11 number of jobs that they have.

12 As always, I think it is worthy of
13 evaluating every tax credit --

14 (Loud noise from behind.)

15 SENATOR KRUEGER: He's not
16 editorializing, he's just tearing paper for some
17 reason.

18 Excuse me. Excuse me,
19 Mr. President.

20 So I think every tax credit deserves
21 to be reevaluated on an ongoing basis. In fact,
22 I have bills to propose that. And we have also
23 expanded the categories of what the film tax
24 credit can be used for over a number of years to
25 allow more sectors of the industry. And so it's

1 actually been a changed credit since it first
2 started. But it's always worth evaluating what
3 you're getting for your money in a tax credit,
4 any tax credit.

5 SENATOR ORTT: Through you,
6 Mr. President, will the sponsor continue to
7 yield?

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR ORTT: Through you,
14 Mr. President. This bill proposes changes
15 specifically to the commercial tax credit. Could
16 the sponsor clarify to me what those changes are?

17 SENATOR KRUEGER: It's a multiple
18 answer, so we're only going to do one piece at a
19 time.

20 So we changed it so the commercial
21 tax credit was in three pots. And one was being
22 underutilized, so it's been reduced to two pots
23 so that it can be more effectively utilized.

24 (To counsel.) Keep going.

25 So we also expanded the categories

1 that you can apply for in commercials, and we
2 expanded to include online media as well, since
3 so much of advertising today actually is done
4 online as opposed to in a traditional TV
5 commercial.

6 SENATOR ORTT: Through you,
7 Mr. President, if the sponsor will continue to
8 yield.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR ORTT: Mr. President, the
15 sponsor mentioned that it went from three pots to
16 two, one of those pots was eliminated. Could the
17 sponsor identify which pot was eliminated and
18 why?

19 SENATOR KRUEGER: So when this was
20 first created, one pot was set aside for new
21 businesses to take advantage of. But it turns
22 out that the industry is mature enough that there
23 really weren't new businesses coming in and
24 applying for it in the commercials, so that was
25 going unutilized. So that's been rolled into the

1 other two.

2 SENATOR ORTT: Through you,
3 Mr. President, will the sponsor continue to
4 yield?

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR ORTT: So just so I'm
11 clear, there was a pot for new companies or for
12 growth that has been eliminated because there was
13 no growth to justify that pot of money. Is that
14 an accurate representation?

15 SENATOR KRUEGER: So I'm not a
16 hundred percent sure why it wasn't being
17 utilized, but it wasn't being utilized. So
18 they've removed that pot.

19 SENATOR ORTT: Through you,
20 Mr. President, on the bill.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Ortt on the bill.

23 SENATOR ORTT: I want to thank the
24 sponsor certainly for her good-faith attempts to
25 answer.

1 I think it should be really telling
2 that on a \$420 million credit, we don't know some
3 really basic questions that everybody in this
4 room expects businesses back home to answer when
5 they get money. We put them through the wringer
6 when they can't answer a question. And I don't
7 fault the sponsor, I don't think there's really
8 any answers. I don't think we -- we don't know
9 what we don't know when it comes to this credit.
10 Except we know the price tag.

11 And just to be clear, we've extended
12 the tax credit for two more years even though it
13 didn't expire until another two years. So now
14 it's extended to 2024, and between now and then
15 we'll spend \$2.1 billion on this credit for a
16 fluid number of jobs.

17 Conversely, I think it's interesting
18 that the Amazon project, which we've all heard so
19 much about, would have created 25,000 permanent
20 jobs at a minimum. And it would have cost the
21 State of New York 1.7 billion over 10 to 15
22 years. But all we heard about was how bad that
23 project was. Corporate giveaway. But
24 2.1 billion, we're okay with that.

25 So there's clearly a disconnect

1 there, or maybe it's just hypocrisy, I don't
2 know. But we heard today it was a tough budget
3 year time and again. And it was a tough budget
4 year. And in tough budget years, as the Majority
5 is finding out, you have to make really hard
6 decisions. This could have been an easy one.
7 Instead we're going to tell the DD community,
8 infrastructure, schools, veterans organizations,
9 farmers: Tough budget year. But you know who it
10 wasn't a tough budget year for? The film
11 industry and Hollywood.

12 Mr. President, I vote no.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Ranzenhofer.

15 SENATOR RANZENHOFER: Thank you,
16 Mr. President. I have some questions on the
17 discovery portions.

18 SENATOR GIANARIS: That's Senator
19 Bailey.

20 ACTING PRESIDENT BENJAMIN: Does
21 Senator Bailey yield for questions?

22 SENATOR BAILEY: Absolutely.

23 SENATOR RANZENHOFER: Through you,
24 Mr. President. Thank you, Senator. Can you tell
25 me how the final language differs from what was

1 in the Executive's budget?

2 SENATOR BAILEY: Certainly.

3 Through you, Mr. President. The final language
4 results in -- there's additional good cause
5 that's given to the prosecutors beyond the
6 15 days post-arraignment material. If a
7 prosecutor has a good-cause reason for an
8 extension, that they can't give the evidence up
9 after 15 days, then that was -- that's one of the
10 major components of the change.

11 SENATOR RANZENHOFER: Okay. Can
12 you tell me -- through you, Mr. President, if the
13 sponsor will continue to yield for --

14 ACTING PRESIDENT BENJAMIN: Does
15 the sponsor yield?

16 SENATOR BAILEY: Yes, absolutely.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR RANZENHOFER: In the bill,
20 from what I've seen, the prosecution is now
21 required to release information about either
22 victims or witnesses with respect to the names
23 and other information. Can you tell me what
24 other information is now required to be released?

25 SENATOR BAILEY: Through you,

1 Mr. President. Witness's names would be given,
2 but -- "with adequate contact information." That
3 does not mean that addresses would necessarily be
4 disclosed.

5 SENATOR RANZENHOFER: Through you,
6 Mr. President.

7 ACTING PRESIDENT BENJAMIN: Would
8 the sponsor yield?

9 SENATOR BAILEY: Certainly.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR RANZENHOFER: But under the
13 law that is introduced now and is going to be
14 voted on shortly, the address of the victim or
15 the address of the witness could be disclosed; is
16 that correct?

17 SENATOR BAILEY: Through you,
18 Mr. President, no, unless the defendant has good
19 cause.

20 SENATOR RANZENHOFER: Through you,
21 Mr. President.

22 ACTING PRESIDENT BENJAMIN: Does
23 the sponsor yield?

24 SENATOR BAILEY: Absolutely.

25 ACTING PRESIDENT BENJAMIN: The

1 sponsor yields.

2 SENATOR RANZENHOFER: So when you
3 say other contact information, what information
4 are you referring to that's going to be released?

5 SENATOR BAILEY: Names -- through
6 you, Mr. President. Names, phone numbers,
7 emails. Not addresses.

8 SENATOR RANZENHOFER: So we are
9 going to -- again through you, Mr. President, if
10 the sponsor will continue to yield.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR BAILEY: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR RANZENHOFER: So it's now,
17 under this new law -- where previously the phone
18 number was not released, you are now going to be
19 releasing phone numbers of victims and witnesses
20 to the defense; is that correct?

21 SENATOR BAILEY: Through you,
22 Mr. President, it is quite possible that a phone
23 number would not be released if the prosecution
24 makes an application for a protective order with
25 good cause shown.

1 SENATOR RANZENHOFER: Through you,
2 Mr. President, if the sponsor would continue to
3 yield.

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR BAILEY: Yes, I do.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR RANZENHOFER: So under this
10 new proposed law, then, the district attorney
11 who's prosecuting the case cannot assure a victim
12 and cannot assure a witness that their contact
13 information will not be released, would that be
14 true?

15 SENATOR BAILEY: Through you,
16 Mr. President, that would be inaccurate.

17 SENATOR RANZENHOFER: It would be
18 inaccurate?

19 SENATOR BAILEY: That's correct,
20 Mr. President.

21 SENATOR RANZENHOFER: Well, how
22 can -- through you, Mr. President, can you tell
23 me how a --

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR BAILEY: Yes.

2 SENATOR RANZENHOFER: -- prosecutor
3 can guarantee that this information will not be
4 released?

5 SENATOR BAILEY: Through you,
6 Mr. President, there is a provision in the bill
7 that provides for the application for a
8 protective order which has the standard of good
9 cause shown. A prosecutor is welcome to apply
10 for that -- welcome to apply for that protective
11 order.

12 SENATOR RANZENHOFER: Through you,
13 Mr. President.

14 ACTING PRESIDENT BENJAMIN: Does
15 the sponsor yield?

16 SENATOR BAILEY: Yes.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR RANZENHOFER: And if that
20 application by the prosecutor is denied, then
21 that information would then be released, is that
22 correct?

23 SENATOR BAILEY: Through you,
24 Mr. President, it could be, but the court has
25 ultimate discretion if there was concern -- that

1 the judge had concern about the witness
2 information getting out.

3 SENATOR RANZENHOFER: So it would
4 be fair to say -- through you, Mr. President --

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield?

7 SENATOR BAILEY: Absolutely.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR RANZENHOFER: So it would
11 be fair to say that as a prosecuting attorney,
12 you could not with any level of certainty
13 guarantee to a witness that certain information
14 is not going to be released. It could be
15 released, it may not be released, but you can't
16 tell the victim or the witness unassuredly that
17 that's not going to happen.

18 SENATOR BAILEY: Through you,
19 Mr. President. This statute was drafted after
20 negotiations that took prosecutors' concerns into
21 effect. So I would say that there would be a
22 high possibility of, again, if a prosecutor
23 applies for a protective order, considering the
24 standard is good cause shown, considering that we
25 are making it quite reasonable, considering the

1 language that is applied in the statute, that a
2 prosecutor would have every opportunity, every
3 possibility to obtain a protective order.

4 SENATOR RANZENHOFER:

5 Mr. President, if the sponsor will continue to
6 yield.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR BAILEY: Certainly.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR RANZENHOFER: Can you tell
13 me how many public hearings you had on this -- on
14 discovery?

15 SENATOR BAILEY: Through you,
16 Mr. President, none.

17 SENATOR RANZENHOFER: Can you tell
18 me -- can you tell me when the actual --

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR BAILEY: Yes.

22 SENATOR RANZENHOFER: Thank you.
23 Can you tell me when the actual language that we
24 are voting on today was actually released to the
25 public?

1 SENATOR BAILEY: The specific
2 language that is in this bill before us today was
3 released this afternoon. However, as indicated
4 by Chief Judge Lawrence Marks during the public
5 protection hearing, discovery reform is something
6 that we've been talking about for 25 years.

7 SENATOR RANZENHOFER:
8 Mr. President, if the sponsor will continue to
9 yield.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR BAILEY: Yes.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR RANZENHOFER: Senator, I'm
16 sure you know that we talk about a lot of things
17 for many, many years and things don't happen.
18 But now there is a bill that's live on the floor.
19 And are you aware that the District Attorneys
20 Association for New York State has come out and
21 issued a very blistering statement about how this
22 bill was not done in the light of day, how there
23 were no public hearings, and they are very much
24 opposed to it?

25 SENATOR BAILEY: Through you,

1 Mr. President, I have heard of such a statement.
2 And that statement strikes me as odd, considering
3 that I had multiple conversations with multiple
4 district attorneys in multiple jurisdictions
5 about this legislation coming forth. And these
6 district attorneys, who are -- who uphold -- are
7 the chief prosecutors, the chief law enforcement
8 officers in our specific counties, they have
9 indicated that they are sympathetic towards
10 criminal justice reform, that they have an
11 appetite for discovery reform.

12 So it is rather odd to me -- and a
13 statement that I have not necessarily seen yet --
14 that such a statement would be made,
15 Mr. President.

16 SENATOR RANZENHOFER:
17 Mr. President, if the sponsor will continue to
18 yield.

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR BAILEY: Yes.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR RANZENHOFER: Senator, are
25 you aware that in the statement issued by the

1 New York District Attorneys Association they
2 specifically have stated that it places
3 unnecessary burdens on the workings of our
4 criminal justice system? They call it
5 unrealistic, unworkable requirements, they called
6 it chock-full of half-baked policy that was
7 crafted with a lack of transparency, a lack of
8 input from the appropriate stakeholders, and they
9 should have included more open hearings, more
10 public comment, and more expert testimony? Are
11 you aware of that comment from the New York State
12 District Attorneys Association?

13 SENATOR BAILEY: Through you,
14 Mr. President, based upon the Senator's reading,
15 I now am aware of the full reading of it.

16 (Laughter.)

17 SENATOR RANZENHOFER: That
18 wasn't -- through you, Mr. President, that wasn't
19 the -- I just saved some of the parts. That was
20 not the full reading. They are not happy with
21 it.

22 And let me ask you a question, if I
23 may --

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR BAILEY: Yes, I do.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR RANZENHOFER: Can you tell
5 me about the change of grand jury testimony,
6 which is a long-held process, a secretive process
7 which is intended to protect witnesses and
8 victims?

9 SENATOR BAILEY: Through you,
10 Mr. President, the -- there is more time than the
11 15 days to release it, but the prosecutors
12 eventually do have to release grand jury
13 information.

14 SENATOR RANZENHOFER: Through you,
15 Mr. President.

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR BAILEY: Absolutely.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR RANZENHOFER: How much
22 sooner does the grand jury testimony have to be
23 released than under prior law?

24 SENATOR BAILEY: Through you,
25 Mr. President, it will be much sooner, because

1 under current law the standard is just before
2 trial. Excuse me, not just before trial, but
3 that it only has to take place before trial.

4 SENATOR RANZENHOFER:

5 Mr. President, if the sponsor will continue to
6 yield.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR BAILEY: Certainly.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR RANZENHOFER: Would you
13 agree with me, Senator Bailey, that victims and
14 witnesses do not have the same level of
15 protection that they formerly had when this
16 information was released at a much later date?

17 SENATOR BAILEY: Through you,
18 Mr. President, I would not agree with that.
19 There is a broader protective order under this
20 bill than there is in the current law.

21 SENATOR RANZENHOFER:

22 Mr. President, if the sponsor will continue to
23 yield.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR BAILEY: Yes, I will.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR RANZENHOFER: Would someone
5 accused of rape be allowed access to their
6 victim's information under this new bill?

7 SENATOR BAILEY: Through you,
8 Mr. President, any information can be withheld if
9 the prosecutors apply for a protective order and
10 they deem that individual too dangerous -- or not
11 dangerous, excuse me, if they deem that
12 individual not somebody that should be able --
13 should be willing to obtain that information.

14 SENATOR RANZENHOFER:
15 Mr. President, if the sponsor will continue to
16 yield.

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield?

19 SENATOR BAILEY: Yes.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR RANZENHOFER: Will child
23 predators be allowed to now get victims'
24 information?

25 SENATOR BAILEY: Through you,

1 Mr. President, if there is good cause to protect
2 the information, the prosecutors can apply for
3 that protective order.

4 SENATOR RANZENHOFER:

5 Mr. President, if the sponsor will continue to
6 yield.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR BAILEY: Yes.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR RANZENHOFER: So would it
13 be fair to say, Senator, that absent any special
14 protection from the court, if you are a victim of
15 a rape or you are a victim of a sexual predator
16 or a family member of yours has been murdered,
17 that information is now more disclosable than
18 ever unless you get a special dispensation from
19 the court? Would that be fair to say?

20 SENATOR BAILEY: Through you,
21 Mr. President, the language is carefully drafted
22 so that a protective order can be obtained via
23 the standard of good cause shown, any standard of
24 good cause shown, which is a very reasonable and
25 very low standard to obtain a protective order.

1 Lenient standard. I should not say low. A
2 lenient standard, Mr. President.

3 SENATOR RANZENHOFER:
4 Mr. President, if the sponsor will continue to
5 yield.

6 ACTING PRESIDENT BENJAMIN: Will
7 the sponsor yield?

8 SENATOR BAILEY: Absolutely.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR RANZENHOFER:
12 Notwithstanding the -- whether it's reasonable or
13 what some judge is going to do at a later date,
14 unless you get this special protection, this
15 information, in terms of if you're a rape victim
16 or if you're a sexual predator victim, this
17 information is going to be released unless you're
18 successful in getting a protective order. Is
19 that correct?

20 SENATOR BAILEY: Through you,
21 Mr. President, the prosecution would have to
22 apply for a protective order.

23 SENATOR RANZENHOFER: And that's
24 not the case under current law right now, would
25 that be fair to say?

1 SENATOR BAILEY: Through you,
2 Mr. President, that would be fair to say.

3 SENATOR RANZENHOFER: Does the bill
4 also talk about preservation of --

5 ACTING PRESIDENT BENJAMIN: Senator
6 Ranzenhofer --

7 SENATOR RANZENHOFER: Yes, of
8 course, Mr. President, if the sponsor will
9 continue to yield.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR BAILEY: Absolutely.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR RANZENHOFER: Does your
16 bill, Senator Bailey, talk about preservation of
17 crime scenes?

18 SENATOR BAILEY: Through you,
19 Mr. President, could Senator Ranzenhofer repeat
20 his question?

21 SENATOR RANZENHOFER: Yes,
22 Mr. President. Does the bill, the new proposed
23 language, deal with the issue of preserving a
24 crime scene?

25 SENATOR BAILEY: Through you,

1 Mr. President, it does.

2 SENATOR RANZENHOFER: And under
3 existing law -- well, strike that, if I may.
4 Mr. President, if the sponsor will yield --

5 SENATOR BAILEY: Absolutely.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR RANZENHOFER: The crime
9 scene now has to be preserved so the accused can
10 now look at it, is that correct?

11 SENATOR BAILEY: Through you,
12 Mr. President, the accused may ask for permission
13 to visit a crime scene, as under current law.

14 SENATOR RANZENHOFER: And under the
15 new bill, how long does the crime scene have to
16 be preserved for the accused to be able to
17 inspect it?

18 SENATOR BAILEY: Through you,
19 Mr. President, I am not certain about the time
20 frame of that at the current time.

21 SENATOR RANZENHOFER:
22 Mr. President, if the sponsor will continue to
23 yield for just a couple of more questions.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR BAILEY: Certainly. For a
2 couple -- more than a couple, Mr. President.

3 SENATOR RANZENHOFER: Okay. Well,
4 if you wish.

5 (Laughter.)

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR BAILEY: Mr. President, in
9 response to Senator Ranzenhofer's last question,
10 there is no time period assessed to the last
11 question concerning the accused.

12 SENATOR RANZENHOFER: Through you,
13 Mr. President. But it is true that the time
14 would have to be until the accused is allowed to
15 inspect the crime scene, is that correct?

16 SENATOR BAILEY: Through you,
17 Mr. President. Not necessarily. It depends
18 on -- it's context-specific.

19 SENATOR RANZENHOFER: So,
20 Mr. President, if the sponsor will yield.

21 ACTING PRESIDENT BENJAMIN: Will
22 the sponsor yield?

23 SENATOR BAILEY: Yes, sir.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR RANZENHOFER: So in a
2 domestic violence situation where there is --
3 there are allegations of abuse that took place in
4 the home, does that crime scene have to be
5 preserved if the accused is asking to inspect the
6 crime scene?

7 SENATOR BAILEY: Through you,
8 Mr. President, only if a defendant asks for it.
9 And the judge can rule that the premises can be
10 preserved for a specific amount of time -- a
11 specified amount of time. Excuse me,
12 Mr. President.

13 SENATOR RANZENHOFER: If the
14 sponsor will yield.

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR BAILEY: Yes, sir.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR RANZENHOFER: So a victim
21 of domestic violence, an individual is beaten
22 senseless in his or her home, how long would that
23 crime scene have to be preserved so the accused
24 can inspect it?

25 SENATOR BAILEY: Through you,

1 Mr. President. Once again, that is a
2 context-specific question which depends on the
3 specific nature of the case and the judge -- and
4 the judge in that instant proceeding.

5 SENATOR RANZENHOFER: And a final
6 question, if the sponsor will yield.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR BAILEY: Yes,
10 Mr. President.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR RANZENHOFER: Is the
14 accused, the defendant in a particular situation,
15 is that person allowed to return to the crime
16 scene in a domestic violence situation?

17 SENATOR BAILEY: Through you,
18 Mr. President, only with judicial permission.
19 And the judge has to weigh, carefully weigh the
20 rights of the victim against the hardship that
21 will be caused to the accused defendant.

22 SENATOR RANZENHOFER:
23 Mr. President, I just want to thank the sponsor
24 for his colloquy and for answering the questions.
25 Thank you.

1 SENATOR BAILEY: Thank you as well.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Lanza.

4 SENATOR LANZA: Thank you,
5 Mr. President. Mr. President, would Senator
6 Krueger yield for a question?

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR KRUEGER: Certainly.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR LANZA: Through you,
13 Mr. President. Can the sponsor tell us whether
14 or not this budget has been scored by any office
15 in terms of how many new jobs it is anticipated
16 will be created in the State of New York?

17 SENATOR KRUEGER: I'm not sure it
18 has been scored. I'm not sure we ever score
19 budgets for the number of jobs to be created.
20 But I could be wrong. Do we think we usually
21 score them? So my colleagues over here don't
22 think we score budget documents for number of
23 jobs created.

24 SENATOR LANZA: Thank you.

25 Mr. President, I have a few

1 questions for the sponsor of the area of the
2 budget dealing with speedy trial and bail.

3 SENATOR GIANARIS: Mr. President,
4 each one has a different person answering
5 questions. If it's speedy trial, it would be
6 Senator Bailey. Bail would be myself.

7 SENATOR LANZA: Speedy trial first,
8 then, Mr. President.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Bailey, would you --

11 SENATOR BAILEY: It will be my
12 pleasure.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR LANZA: Through you,
16 Mr. President.

17 First I want to say that the sponsor
18 and I have had long-standing conversations about
19 this and other criminal justice issues, and I've
20 always enjoyed those conversations. We've
21 listened to each other and we've really tried to
22 work together to enact good policy.

23 On speedy trial, my understanding --
24 through you, Mr. President -- is that the only
25 change is that when the state, the prosecution,

1 answers "ready for trial," that they will be
2 required now to issue an affidavit proving that
3 in fact they are ready on that date. Is that the
4 case?

5 SENATOR BAILEY: Through you,
6 Mr. President, that is -- well, there is a
7 judicial inquiry about readiness. And also the
8 right to appeal is preserved, Mr. President.

9 SENATOR LANZA: Would the sponsor
10 yield?

11 ACTING PRESIDENT BENJAMIN: Will
12 the sponsor yield?

13 SENATOR BAILEY: Yes, sir.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR LANZA: Through you,
17 Mr. President. This is an area where I think you
18 and I have agreed, and others perhaps, where we
19 could actually squeeze some time out of the
20 process. And so I'm encouraged that it seems
21 that that has been heeded, because I think this
22 is an area where we could have improvement. It
23 seems to make sense to me.

24 My question -- through you,
25 Mr. President -- are there other changes to the

1 speedy trial statute, though, in this budget?

2 SENATOR BAILEY: Through you,
3 Mr. President, also it applies now to the Vehicle
4 and Traffic Law and also to defendants who are
5 held in OCFS custody.

6 SENATOR LANZA: Would the sponsor
7 yield?

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR BAILEY: Absolutely.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR LANZA: Through you,
14 Mr. President. Besides that, can the sponsor
15 tell us are there other fundamental changes,
16 though, not with regard to what they applied to,
17 but with respect to the statute, the 30.30
18 statute, in terms of speedy trial?

19 SENATOR BAILEY: Through you,
20 Mr. President, we are requiring judges -- we're
21 asking judges, excuse me, to inquire to
22 prosecutors about the progress made with
23 readiness, and restricting a prosecutor's ability
24 to go from unready to readiness, to -- to all of
25 a sudden switch the clock on and off.

1 SENATOR LANZA: Would the sponsor
2 yield for one more question?

3 ACTING PRESIDENT BENJAMIN: Will
4 the sponsor yield?

5 SENATOR BAILEY: Absolutely.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR LANZA: Through you,
9 Mr. President. Aside from the issue of the
10 prosecution's answer of ready for trial, are
11 there any other changes to the speedy trial
12 statute in the State of New York?

13 SENATOR BAILEY: Through you,
14 Mr. President, speedy trial is more now tied to
15 discovery.

16 SENATOR LANZA: Mr. President, I
17 understand what that means. And I thank the
18 sponsor, and I'd like to ask some questions about
19 bail.

20 ACTING PRESIDENT BENJAMIN: Does
21 Senator Gianaris yield for questions?

22 SENATOR GIANARIS: Yes, I do.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR LANZA: Through you,

1 Mr. President. Presently in the State of
2 New York, upon arrest the accused is brought
3 into -- in New York City, it's quite possibly the
4 district attorney's office or to one of the
5 precincts, and the paperwork is drawn up by an
6 assistant district attorney, and the defendant is
7 then arraigned. And at that arraignment, the
8 prosecution makes an application for bail.

9 The defense makes their application
10 in terms of what they think is right, and the
11 judge decides based on the defendant's risk of
12 flight. Meaning the court makes an assessment as
13 to whether or not the defendant standing before
14 them who's been accused of a crime is likely to
15 return to court. And that's how it works now
16 with respect to the majority of those who are
17 arrested in the City of New York.

18 Through you, Mr. President, is it
19 true that now, under this legislation, that the
20 majority of people arrested in the State of
21 New York will now be issued in effect a desk
22 appearance ticket and told to come back to court
23 on another day?

24 SENATOR GIANARIS: Mr. President,
25 I'm not sure it would be a majority or not, but

1 it would be a very large portion of those who are
2 charged with misdemeanors or nonviolent low-level
3 Class E felonies.

4 SENATOR LANZA: Through you,
5 Mr. President, would the sponsor yield?

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR GIANARIS: Yes.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR LANZA: Through you,
12 Mr. President. Are you aware that the Assembly
13 has said that -- and there are other public
14 statements with respect to this legislation --
15 that now 85 percent of those arrested in the
16 State of New York will not be arraigned at the
17 time of the arrest but instead will be issued a
18 ticket to return at a later date?

19 SENATOR GIANARIS: With respect, I
20 think my colleague is misunderstanding what the
21 Assembly has stated. That number of 80,
22 85 percent is how many would no longer be subject
23 to bail. That does not mean that they would be
24 in the category that would just get a desk
25 appearance ticket.

1 SENATOR LANZA: Would the sponsor
2 yield?

3 ACTING PRESIDENT BENJAMIN: Will
4 the sponsor yield?

5 SENATOR GIANARIS: Yes.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR LANZA: So through you,
9 Mr. President, let me then try to understand
10 this. Under this legislation, what will happen
11 when someone is arrested for having committed a
12 crime in the State of New York? Can you walk me
13 through from the point of arrest forward?

14 SENATOR GIANARIS: Sure.
15 Mr. President, it depends what the crime alleged
16 is and how serious it is and what category it
17 falls into.

18 If the crime is a serious violent
19 felony -- and there is a list enumerated in the
20 legislation -- then the process that is
21 experienced today would be very similar to the
22 process that would be experienced when this law
23 takes effect.

24 If in fact the crime alleged is in
25 the category of nonviolent felonies or

1 misdemeanors, then the accused would either get a
2 desk appearance ticket, if in fact it was most
3 misdemeanors or Class E felonies, or would be
4 evaluated by a judge the way a judge evaluates
5 the accused today, except bail would not be an
6 option for those crimes.

7 SENATOR LANZA: Would the sponsor
8 yield?

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR GIANARIS: Yes.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR LANZA: Through you,
15 Mr. President.

16 My understanding of the way this
17 legislation is written, if we would apply it -- I
18 understand that there are certain exceptions --
19 certain felonies, certain violent crimes. But if
20 we were to apply this legislation to what let's
21 say occurred last year in the State of New York,
22 it seems to me, because it would include and
23 apply to the majority of all misdemeanors
24 committed in the State of New York -- which would
25 mean, Mr. President, that in fact the majority of

1 those arrested in the State of New York for
2 having committed a crime will in fact, at the
3 point of arrest no less, be issued a ticket to
4 return to court at a later date.

5 Am I not reading this properly?

6 SENATOR GIANARIS: Mr. President,
7 Senator Lanza is correct that for most
8 misdemeanors, not including -- there are
9 exceptions for sex-related misdemeanors, for
10 example. But for most misdemeanors, that is
11 correct, there would be a desk appearance ticket
12 issued and the accused would be expected to
13 return to court on the court date.

14 SENATOR LANZA: Will the sponsor
15 yield?

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR GIANARIS: Yes.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR LANZA: Through you,
22 Mr. President. What happens if the person that's
23 arrested for having committed a crime is a
24 resident of another state? Will they also be
25 issued a desk appearance ticket?

1 SENATOR GIANARIS: That's correct,
2 Mr. President.

3 SENATOR LANZA: Would the sponsor
4 yield?

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield?

7 SENATOR GIANARIS: Yes.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR LANZA: Through you,
11 Mr. President. What happens if the person who
12 has been accused of committing a crime in the
13 state is from another country? Would they be
14 issued a desk appearance ticket and be told to
15 come back at some point later?

16 SENATOR GIANARIS: That is correct,
17 Mr. President.

18 SENATOR LANZA: Would the sponsor
19 yield?

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR GIANARIS: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR LANZA: Through you,

1 Mr. President. Is the sponsor concerned, given
2 the fact that there doesn't seem to be much
3 incentive to return at a later date, that many
4 people will actually abscond because of this new
5 legislation and never return for justice?

6 SENATOR GIANARIS: Mr. President,
7 first of all, the answer is no, because all
8 relevant data shows that putting money on the
9 table does not ensure a greater rate of return
10 for trial.

11 And I would in turn ask my colleague
12 if he's concerned that asking people to pay to be
13 let out of jail is an injustice that has been
14 going on for far too long in our state.

15 SENATOR LANZA: Did the sponsor ask
16 me to yield?

17 (Laughter.)

18 ACTING PRESIDENT BENJAMIN: Does
19 Senator Lanza yield for a question from Senator
20 Gianaris?

21 SENATOR LANZA: Yeah, I do.

22 SENATOR GIANARIS: Would you like
23 me to repeat it?

24 SENATOR LANZA: Sure.

25 SENATOR GIANARIS: I would ask, in

1 turn -- you asked me if I was concerned about
2 people absconding, and I would like to ask you in
3 turn if you're concerned with the great injustice
4 that's been occurring with the fact that people
5 who are in poverty or people who are poor are
6 asked to pay to be let out of jail. And
7 oftentimes they can't, and our jails are riddled
8 with people who simply can't afford to be walking
9 the streets. And our system of criminal justice
10 is not supposed to be based on wealth, and yet it
11 is. Is that something that concerns my
12 colleague?

13 SENATOR LANZA: Through you,
14 Mr. President, yes, it concerns me. But as the
15 sponsor knows, when bail is set, the wherewithal
16 of the defendant's ability to pay bail is
17 considered in the application. And what is
18 actually issued, having done this for six years
19 as an assistant district attorney in the
20 Manhattan DA's office, I can assure you judges do
21 that. And the only reason we have bail in this
22 state is because absent a better idea, which I
23 don't see here or anywhere else, the people of
24 the State of New York have the right to ensure
25 that people who are accused of crimes, people who

1 commit crimes in the State of New York, will
2 actually come back to court so that justice can
3 be determined.

4 And so I am concerned about what the
5 sponsor has suggested, but I'm also concerned
6 about ensuring that this state has the ability to
7 find justice for the people in this state.

8 SENATOR GIANARIS: If I can ask my
9 colleague to yield for one more question. I
10 don't mean to flip this; I'll go back to
11 answering your questions. But just one more
12 follow-up on --

13 ACTING PRESIDENT BENJAMIN: Does
14 Senator Lanza yield?

15 SENATOR LANZA: Yes, Mr. President.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Lanza yields.

18 SENATOR GIANARIS: I would just
19 ask, as a follow-up, is it my colleague's belief
20 that people whose bail is set as low as, say, for
21 example, \$500, choose to spend months and
22 sometimes years in jail waiting because they want
23 to? Or is it because they can't afford it
24 because their financial wherewithal was in fact
25 not considered properly by a judge?

1 These people sitting in jail are not
2 there by choice. They're there because they
3 can't afford to pay to get out.

4 SENATOR LANZA: May I respond?

5 I disagree with the sponsor.
6 They're there because the court has decided that
7 they present a risk of flight and that they will
8 not return to court in the absence of bail being
9 set. That is the only way bail can be set
10 according to the law in the State of New York.

11 Now, if the sponsor is suggesting
12 that that is abused, then we ought to root out
13 the abuse. But we should not overturn the very
14 system which ensures -- and by the way, the only
15 reason bail can be set is to ensure that people
16 come back to court.

17 SENATOR GIANARIS: Thank you. I
18 yield back.

19 SENATOR LANZA: Thank you. If the
20 sponsor yields.

21 ACTING PRESIDENT BENJAMIN: Does
22 the sponsor yield?

23 SENATOR GIANARIS: Yes.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR LANZA: Is the sponsor
2 aware of the fact that a similar provision was
3 enacted in Washington, D.C., which has a
4 population of 702,000 people, and that the cost
5 there was more than \$65 million? If you
6 extrapolate, you consider the population of
7 New York and extrapolate, it would seem to me
8 that the cost of this program may approach a
9 billion dollars. Is that something that concerns
10 the sponsor?

11 SENATOR GIANARIS: I don't believe,
12 Mr. President, that that is anywhere remotely
13 close to what would happen here. In fact, it is
14 estimated that the localities in New York State
15 would save upwards of a billion dollars because
16 the cost of housing people in jail is excessive.
17 In fact, the estimates are -- I have it here
18 somewhere -- that it's somewhere in the
19 neighborhood, if I remember correctly, of
20 \$160,000 a year -- \$168,000 per year per inmate
21 that we would save by not forcing people to stay
22 in jail when they shouldn't be there.

23 SENATOR LANZA: Through you,
24 Mr. President, would the sponsor yield?

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR GIANARIS: Yes.

3 ACTING PRESIDENT BENJAMIN: The
4 sponsor yields.

5 SENATOR LANZA: I have to say the
6 few places this has been tried, that has not been
7 the experience of either Washington, D.C., or the
8 states that this has been tried.

9 What has been found is that the
10 costs just keep running through the ceiling
11 because we can offset the cost of the pretrial
12 procedures regarding this measure with, as the
13 sponsor rightly pointed out, the cost of housing
14 people -- I get that. But then when you factor
15 in all the other things that will happen here,
16 the recidivism and all that, I think that the
17 experiences in the other jurisdictions prove that
18 the costs are excessive.

19 Would the sponsor yield for one more
20 question?

21 ACTING PRESIDENT BENJAMIN: Does
22 the sponsor yield?

23 SENATOR GIANARIS: Yes.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR LANZA: So presently when a
2 person finds themselves accused of a crime in the
3 state where the crime is most likely the result
4 of that person's addiction -- these are always
5 sad situations, I can tell you -- presently the
6 defendants are offered a choice between -- when a
7 risk of flight has been determined, they're
8 offered a choice between the bail and entering a
9 program by way of a drug court.

10 And we've found in this state that
11 this actually works. And it may be the only
12 opportunity we have, and that person and that
13 person's family has, to get the help that that
14 person needs.

15 If we eliminate bail in these cases,
16 what would be the incentive for a person who
17 finds themselves in that position to actually seek
18 alternative programs?

19 SENATOR GIANARIS: Mr. President,
20 I'm glad my colleague asked this question,
21 because he put his finger on a great
22 contradiction for those who want to maintain a
23 bail system. On the one hand, he's telling us
24 bail should only apply to make sure someone
25 returns for trial, and now he's suggesting that

1 bail is a mechanism of leverage.

2 Of course he's right, bail is used
3 as a mechanism for leverage. And oftentimes it's
4 used to induce a guilty plea from someone who is
5 sitting in jail charged with a relatively
6 low-level crime, they spend six months to a year
7 in jail, and lo and behold, the prosecutors come
8 up to them and say "Why don't you just plead
9 guilty? You'll be home tomorrow. Because what
10 you've been accused of wouldn't even be punished
11 by as much as you're already spending in jail."

12 That is one of the great injustices
13 we're trying to solve here, where bail is set,
14 someone who's poor sits in jail, they sit there
15 long enough, and yes, bail is, as you pointed
16 out, then used as leverage to elicit a guilty
17 plea which then follows that young person around
18 for the rest of their lives, regardless of
19 whether they committed a crime or not.

20 We haven't had a chance to touch on
21 the fact that every single person that would be
22 affecting by this change in the law has yet to be
23 convicted of a crime. So we like to talk about
24 we're all innocent until proven guilty, but
25 that's not the way the system works. The way the

1 system works is you're guilty unless you have
2 enough money to pay your way out. And that is
3 what we're trying to change here today.

4 And let me just point out that --
5 you said something earlier about the cost that
6 this would be. I hope it's not your suggestion
7 that we should keep people in jail because it's
8 cheaper. This is about justice. And if your
9 suggestion is we should maintain the current
10 system and keep people in jail because it might
11 cost us more to make sure they have services when
12 they're out of jail, then I feel sorry for you
13 that you feel that way.

14 SENATOR LANZA: I have a
15 question -- and I'm going to get back to this. I
16 have a question on congestion pricing.

17 (Laughter.)

18 SENATOR GIANARIS: That will be
19 Senator Krueger, Mr. President.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Krueger -- Senator Krueger, do you yield?

22 SENATOR KRUEGER: Talk about a non
23 sequitur, Mr. President. It's about justice,
24 Mr. President.

25 ACTING PRESIDENT BENJAMIN: Do you

1 yield, Senator Krueger?

2 SENATOR KRUEGER: Of course I do.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Krueger yields.

5 SENATOR LANZA: Through you,
6 Mr. President, could the sponsor tell us what
7 people from Staten Island who have the gall to
8 travel within their city and enter the Manhattan
9 business district are going to now have to pay?

10 SENATOR KRUEGER: Through you,
11 Mr. President, there is no detail within this
12 bill about specific dollar amounts that anyone
13 would have to pay.

14 SENATOR LANZA: Through you, would
15 the sponsor yield?

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR LANZA: Through you,
22 Mr. President. So we're asked to vote on a
23 congestion pricing commuter tax scheme where we
24 don't know what the price that the people of
25 Staten Island and Brooklyn and Queens and the

1 Bronx are going to be charged -- could it be \$10,
2 \$20, \$30, \$50? Is that what we're looking at
3 here?

4 SENATOR KRUEGER: So yes, there are
5 not details in this bill. There would be a
6 committee created -- committee or commission?
7 Review board, thank you. All the names changed,
8 so it's now Traffic Mobility Act and it's the
9 Traffic Mobility Act Review Board. So they will
10 be evaluating what the fees are, they will
11 explore the possibilities of reductions and
12 exemptions and pricing at each different bridge.

13 So I don't know that the people of
14 Staten Island will face more or less of an issue
15 than the people of any of the other boroughs or
16 the rest of the MTA region.

17 SENATOR LANZA: Will the sponsor
18 yield?

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR LANZA: The people who live
25 in Manhattan in this district, are they going to

1 be charged to drive within their own district?

2 SENATOR KRUEGER: Through you,
3 Mr. President, if the people who live in the core
4 district leave the district and wish to come
5 back, they will be charged. If they never leave
6 the district, they won't be charged.

7 SENATOR LANZA: Would the sponsor
8 yield?

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR LANZA: Mr. President,
15 through you. My understanding is that the reason
16 for this scheme is that the people of Manhattan
17 don't want to have cars in this district, they
18 have too much traffic. As the sponsor is aware,
19 traffic is a problem all throughout the city. I
20 can tell you one of the biggest quality-of-life
21 issues on Staten Island is traffic.

22 Will the sponsor support a scheme
23 that would allow the people of Staten Island to
24 charge motorists from Manhattan, the Bronx,
25 Brooklyn and Queens to enter into Staten Island?

1 SENATOR KRUEGER: Through you,
2 Mr. President, I think we could ask the same
3 review board to take up that question, but we'd
4 probably need additional legislation to do so.

5 I would argue on behalf of the
6 people in my district, which includes a decent
7 chunk of the core of Manhattan, they don't
8 actually want to have to pay more either. And
9 they are fully aware that they are living in a
10 congestion zone. And it's not just because of
11 the vehicles of people who live there, but in
12 fact the whole world seems to try to travel
13 through Manhattan south of 60th Street day in,
14 day out. So we do have a congestion crisis that
15 has negative impacts on businesses, on students,
16 on schools, on asthma rates, on the overall
17 economic reality of the region.

18 SENATOR LANZA: Would the sponsor
19 yield?

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR KRUEGER: Yes, I will.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR LANZA: That's great.

1 That's about the most encouraging word I've heard
2 throughout this budget process. I look forward
3 to Senator Krueger joining me as the people of
4 Staten Island ask this panel to charge the people
5 of Manhattan, Brooklyn, the Bronx and Queens for
6 coming into our roads, for polluting, for
7 congesting it, for causing traffic and creating
8 all manner of a degradation of quality of life.

9 SENATOR KRUEGER: Through you,
10 Mr. President. I just want to highlight my other
11 Staten Island colleague here to my right has
12 pointed out it already costs us \$19 to go to
13 Staten Island.

14 (Laughter.)

15 SENATOR LANZA: Would the sponsor
16 yield?

17 SENATOR KRUEGER: Sorry.

18 ACTING PRESIDENT BENJAMIN: Does
19 the sponsor yield?

20 SENATOR KRUEGER: Yes, I will.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields.

23 SENATOR LANZA: Through you,
24 Mr. President. Well, there are a lot of bridges
25 and a lot of tolls -- in fact, most people would

1 agree too many throughout New York City. And
2 this is just one more toll. But this one's
3 really specific. This one benefits the people of
4 Manhattan at the expense of the people of the
5 outer boroughs. So this is very different and
6 this is a targeted tax on people who have the
7 gall, as I've said, to do nothing more than
8 travel within their own city, the place where
9 they live and the place where they pay taxes.

10 I have one more question, if the
11 sponsor would yield.

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR LANZA: Through you,
18 Mr. President. If this is such a good idea, why
19 is the Legislature abdicating its responsibility
20 to take a position on tough policy initiatives?
21 This may very well become, because we don't know
22 if it's \$10, \$20, \$30, \$40 -- turn into a massive
23 new tax on the people who live in New York City.
24 Why can't the Legislature -- we get paid to cast
25 these votes, the folks in the Assembly, the

1 Governor. Why is it that once again Albany
2 politicians are looking to pass the buck -- and I
3 know the answer to this, so it's -- but I do want
4 an answer from you -- pass the buck to a group of
5 people who aren't elected, who aren't accountable
6 to the people of the City of New York or the
7 State of New York -- why is the Legislature
8 handling this very important issue, that I've
9 heard about for so long, in this way?

10 SENATOR KRUEGER: Through you,
11 Mr. President. We are not experts on pricing
12 tolls or pricing how you come up with the revenue
13 for the MTA system. And the fact is, this
14 challenge has been before us since -- oh, my
15 goodness, when was the -- at least a decade. And
16 we haven't acted. And we find ourselves in a
17 larger MTA crisis now than in modern times.

18 And so in fact we are attempting to
19 come up with a rational way to get this done by
20 drawing on experts to make recommendations that
21 are actually more fair to everyone. So I have to
22 disagree strongly with the argument that this is
23 good for Manhattan but everybody else pays,
24 because you will pay if you are in Manhattan as
25 well. Because most people who live in Manhattan

1 who might have vehicles end up leaving between
2 60th and Lower Manhattan, so they will also face
3 the increased costs, as will, I think, when this
4 is all done, everyone coming in and out of
5 Manhattan from whatever direction.

6 SENATOR LANZA: Thank you,
7 Mr. President. On the bill.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Lanza on the bill.

10 SENATOR LANZA: I want to thank
11 Senator Krueger, Senator Gianaris, Senator Bailey
12 for the discussion. Point of personal privilege.

13 Senator Gianaris said that he feels
14 sorry for me. Don't feel sorry for me, Senator
15 Gianaris. Feel sorry for the people of the State
16 of New York, because this budget is a disaster.
17 It's an assault on the good hardworking families
18 all across New York. Don't feel sorry for me.
19 Feel sorry for them.

20 How many jobs -- how many jobs will
21 be created? That's the question I had. What was
22 the scoring on this? We don't know. I'll score
23 it for you, Mr. President. Zero. Anyone with a
24 brain who looks at this budget will tell you it's
25 less than zero. We're going to hemorrhage jobs

1 in the State of New York.

2 Bail. Listen to this one. You
3 commit a crime in the State of New York -- maybe
4 you live in Texas, maybe you come from another
5 country, we don't know who you are, where you've
6 come from. We might not know your real name. We
7 don't have the opportunity to find out whether or
8 not you actually have a record, whether or not
9 you've actually absconded before, whether or not
10 you're a fleeing felon. Police officers have got
11 to make a decision on the spot. And you know
12 what this law makes them do? With the exception
13 of a few, a few violent crimes, if you commit a
14 crime, the police officer says, Here's a ticket
15 to court, come back in a month. Have a nice
16 night. It's ridiculous.

17 You know what's going to happen?
18 Because we've seen it in other jurisdictions.
19 You think you're helping the defendant? You're
20 not. Because you know what ends up happening?
21 Recidivism rates go up. And when we ultimately
22 find this person, because maybe they are -- they
23 do have a drug problem, and we're not going to
24 offer them help. Talk about leveraging bail.
25 How about having an opportunity to help people?

1 But that's not the purpose of bail, I agree.

2 So by the time we actually find this
3 person, it may not be this initial crime that
4 they're faced and charged with, maybe two or
5 three more. I'm not talking hypothetically. I
6 was a prosecutor. There are others here, they'll
7 tell you the same story. When they come back,
8 now they're facing real time.

9 That ought to help them. And in the
10 in the meantime, that means there are more
11 victims of crimes in the State of New York.
12 That's what this whole bail fiasco is going to
13 make happen.

14 Congestion pricing, it's a complete
15 joke. Everybody knows what it is. People back
16 home aren't stupid. They're going to wake up --
17 if you live in Brooklyn, Queens, Bronx and
18 Staten Island, and you're going to find out that
19 now when you're doing the night shift as a nurse
20 or a hospital employee in Manhattan, happy
21 birthday, we have a new present for you. You're
22 going to get charged \$10, \$20, \$30 -- who knows?
23 Who cares. Welcome to New York.

24 It's a disgrace. It really is a
25 disgrace. Don't feel sorry for me. Feel sorry

1 for the people of New York post-budget.

2 Let me tell you what this budget
3 does. And of course there are good things in any
4 budget. It's a mixed bag. As a legislator, you
5 have to weigh the entire budget and you have to
6 decide, on balance, is this good or bad for the
7 people of New York?

8 This is bad. You know why? We're
9 going to have more crime. That's a fact. Mark
10 my words. Let's come back in a year or two
11 years, let's find out. Was Senator Lanza right
12 or Andrew Lanza was wrong? We're going to have
13 more crime. That doesn't make New York better.

14 There are going to be fewer jobs.
15 That means it's going to be harder for people to
16 put food on their table. Maybe they're going to
17 have to leave New York to find those jobs. Does
18 that make New York better or worse? It makes it
19 worse.

20 Congestion pricing, internet tax,
21 tax on everything that moves, everything that
22 breathes. When you're grocery shopping, carry
23 the groceries out, juggle them, roll them into
24 the parking lot. That's a lot of fun. That
25 makes sense. And by the way, mark my words, it

1 won't do a damn thing to help the environment,
2 and everyone here knows it. It's about a tax,
3 it's about controlling people's behavior, it's
4 about telling them that they're just not smart
5 enough to figure out how to live their lives.

6 And then finally, all these new
7 taxes -- I'm going to finish. New taxes. It's
8 just -- people are numb to it when they hear it.
9 Let me translate what it means. It means the
10 cost of living in New York for every working
11 family is going up. You know, if a corporation
12 were to give every one of their employees a pay
13 cut, people would go berserk. They'd be
14 outraged. There would be condemnation. Well,
15 here's what this budget does. It gives a pay cut
16 to every working family in the State of New York.

17 And yes, I'm outraged and I condemn
18 it, and I vote no, Mr. President.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Jordan.

21 SENATOR JORDAN: I have questions
22 on Part PPP of the revenue bill, AIM funding.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Krueger, would you yield for questions?

25 SENATOR KRUEGER: Thank you. I'm

1 sorry, I didn't hear which part you wanted to
2 discuss.

3 SENATOR JORDAN: PPP. AIM funding.

4 SENATOR KRUEGER: Thank you.

5 ACTING PRESIDENT BENJAMIN: The
6 Senator yields.

7 SENATOR KRUEGER: I do.

8 SENATOR JORDAN: Thank you.

9 Was the state's funding of the Aid
10 and Incentives to Municipalities eliminated to
11 towns and villages? And if so, how?

12 SENATOR KRUEGER: It was not
13 eliminated, and it will continue at the same
14 amount as in previous years.

15 SENATOR JORDAN: Through you, may I
16 ask another question?

17 ACTING PRESIDENT BENJAMIN: Will
18 the sponsor yield?

19 SENATOR KRUEGER: Certainly.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR JORDAN: Will the state be
23 paying the AIM funds to the towns and villages?

24 SENATOR KRUEGER: Well, there is
25 a -- there will be a new internet tax that the

1 counties will -- excuse me, the new internet tax
2 will be collected by the State Comptroller. It
3 is estimated to be, outside of New York City,
4 \$160 million. And the first \$59.9 million of AIM
5 funding will be sent directly from the
6 Comptroller to the towns and villages so that
7 they will continue to get their AIM, and the
8 remaining \$100 million will go to the counties.

9 SENATOR JORDAN: Through you,
10 Mr. President, does the sponsor yield?

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR JORDAN: So if a county is
17 already distributing sales tax money to the towns
18 and villages, will that county now be required to
19 pay the full AIM amount in addition to the sales
20 tax money that they already pay?

21 SENATOR KRUEGER: Thank you, I just
22 wanted to make sure I got that right.

23 So as I explained, if it's
24 160 million in projected internet tax, the first
25 60 million goes to the towns and villages

1 directly from the Comptroller to address the AIM
2 funding. And then the remaining 100 million goes
3 to the counties to then be distributed as
4 whatever their normal pattern is of sharing sales
5 tax between the counties and the towns and
6 villages. Each county apparently has somewhat
7 different arrangements.

8 SENATOR JORDAN: Through you,
9 Mr. President, does the sponsor yield?

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR KRUEGER: Yes, I do.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR JORDAN: I'm not sure I
16 understand the answer to that. My question is
17 fairly simple. If the county is already
18 responsible for distributing sales tax to the
19 towns and the villages, now will they be
20 distributing AIM in addition to what they already
21 pay?

22 SENATOR KRUEGER: No. The
23 Comptroller will be distributing the AIM to the
24 towns and villages, and then the remainder will
25 go to the counties to distribute as if it was any

1 other sales tax arrangement.

2 SENATOR JORDAN: I'll just speak on
3 the bill.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Jordan on the bill.

6 SENATOR JORDAN: Thank you for
7 answering my questions.

8 I'm not sure that Section PPP states
9 it the way Senator Krueger has explained it to
10 me. But as I understand, the AIM program
11 provides \$715 million in state financial support
12 to cities, towns and villages outside New York
13 City and is a vital program for local
14 governments.

15 Part PPP of the revenue bill before
16 us now eliminates aid to 87 percent of towns and
17 villages. Despite our best efforts, the
18 Democratic majorities in the Senate and Assembly
19 accepted the Executive's proposal to cut AIM.
20 This reduction would permanently eliminate 1,326
21 towns and villages, or 87 percent of them, from
22 the program and would reduce total state payments
23 by \$59.2 million. After this proposal, only
24 \$8 million, or 1.2 percent of the total amount of
25 655.8 million in AIM funding, will now go to the

1 state's towns and villages. The remaining
2 647 million of the remaining funding, or
3 98.8 percent, would be distributed to the state's
4 cities other than New York City.

5 In addition, if towns and villages
6 already receive a disbursement of county sales
7 tax greater than their 2018 AIM allotment, they
8 will receive no additional funding. In other
9 words, counties will now be required to use their
10 sales tax to restore the cuts in AIM funding.

11 The permanent elimination of AIM
12 funding will effectively strangle the finances of
13 local governments already struggling under the
14 combined burdens of Albany's unfunded mandates
15 and the property tax cap.

16 I do not support this irresponsible
17 proposal eliminating AIM funding from our towns
18 and villages. As a former local elected
19 official, I know that local governments have been
20 doing more with less for years. Eliminating the
21 AIM program for so many of our towns and villages
22 is shortsighted and wrong.

23 I wrote the Governor back on
24 January 18th urging him to reverse course on the
25 deep AIM program cuts he made in his Executive

1 Budget. It's disappointing that the Governor and
2 the Democratic majorities in the Senate and
3 Assembly failed to join us in supporting AIM
4 program restorations and standing up for our
5 local communities.

6 I'll be voting no.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Funke on the bill.

9 SENATOR FUNKE: Thank you,
10 Mr. President. No questions, I just wanted to
11 rise specifically to address and oppose the
12 commission included in this bill related to
13 elections and public financing.

14 I think public financing is a really
15 bad idea. It will cost taxpayers, by the
16 Speaker's own estimate, up to \$500 million a
17 year. We can spend that money on a lot of
18 things.

19 It will force taxpayers to subsidize
20 negative campaigns and robocalls, and it's going
21 to do nothing to clean up our system. In fact,
22 it may contribute to corruption, as we saw with
23 former Democratic Majority Leader Malcolm Smith
24 going to prison for trying to game the New York
25 City public financing system.

1 And even though I strongly oppose
2 public financing of elections, I'd like to focus
3 instead on the commission itself and its
4 infringement on the power of this body. We were
5 all elected to consider, to vote on and to make
6 laws. We were not elected to punt our
7 responsibilities to unelected commissions
8 controlled by the Governor.

9 Those who don't learn from history,
10 they say, are doomed to repeat it. We should
11 have learned our lesson from the overreach of the
12 pay commission. And now we sit here again faced
13 with another commission, this one allegedly about
14 public financing. And yet tucked into the bowels
15 of this proposal, in Part XXX, we see language
16 having nothing to do with public financing.
17 These lines refer to fusion voting, the ability
18 of a candidate to run on multiple lines for
19 office.

20 I run on the Conservative,
21 Independent and Republican lines. Many of my
22 friends on the other side run on the Working
23 Families line as well as the Democratic line.
24 And that has long been accepted as part of our
25 system. The Governor never questioned it before,

1 so why now? Let me take a wild guess. The
2 Working Families Party backed Cynthia Nixon last
3 year, and Zephyr Teachout the previous time, so
4 now he's looking to crush his internal opponents
5 in the Working Families Party and his external
6 opponents on the right in one fell swoop. And
7 that is what this section allows. That is what
8 it contemplates. And that is exactly what
9 Governor Cuomo will do.

10 Don't vote for this. Learn from
11 history. Learn from the pay commission. To
12 quote a famous song by The Who, "I won't get
13 fooled again." I urge everybody here to learn
14 from history and to vote no.

15 Thank you, Mr. President.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Boyle on the bill.

18 SENATOR BRESLIN: Thank you,
19 Mr. President. On the bill.

20 First I'd like to quickly associate
21 myself with the remarks of my colleagues
22 regarding this commission. What do we do around
23 here? First a pay raise commission, now the
24 public financing commission. Evidently there was
25 a congestion pricing review board or commission.

1 Why don't we just create one big commission and
2 let them make all the decisions for us? That's
3 what it's coming to.

4 I'd also, more importantly, like to
5 speak about an environmental issue that's very
6 important in this bill, the Regional Greenhouse
7 Gas Initiative, better known as RGGI. For our
8 newer members who may not know, RGGI is a
9 cooperative agreement between 10 states from
10 Maryland to Maine, and they collect funds from
11 power plants by the sale and auction of
12 allowances, carbon dioxide allowances.

13 In New York State, that is
14 administered by the Department of Environmental
15 Conservation, the DEC, and the funds are
16 collected by NYSERDA, the New York State Energy
17 Research and Development Authority. It's a lot
18 of money, almost \$24 million in that fund. These
19 funds are supposed to go to the energy efficiency
20 and clean energy technology account. The account
21 is administered for the purposes of, and I quote
22 New York State Regulation 507.4, to promote and
23 implement programs for energy efficiency,
24 renewable and non-carbon-emitting technologies
25 and innovative carbon emissions abatement

1 technologies with significant carbon reduction
2 potential. Twenty-four million dollars.

3 With \$24 million you can have the
4 opportunity to stop 16 to 18 metric tons of
5 carbon dioxide from going into New York State's
6 atmosphere. With \$24 million you could purchase
7 a solar farm with 18 megawatts of capacity.
8 Eighteen megawatts is enough to power
9 3,100 homes, and it could be done without one
10 drop of carbon dioxide.

11 However, this bill sweeps or steals
12 the \$24 million from the RGGI fund and puts it
13 into the General Fund. Big mistake. I know I
14 hear a lot from both sides of the aisle talking
15 about climate change, we need to stop pollution,
16 protect our environment. I'm urging my
17 colleagues on the Majority side to join the
18 environmentalists on my side in voting against
19 this.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Kavanagh.

22 SENATOR KAVANAGH: Thank you,
23 Mr. President.

24 I have a question about the
25 provision that was just mentioned by a colleague

1 across the aisle, Part XXX, regarding the
2 commission. I don't know if maybe Senator Myrie
3 is the appropriate person.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Gianaris.

6 SENATOR GIANARIS: I believe
7 Senator Myrie will answer this question.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Myrie, would you yield for a question?

10 SENATOR MYRIE: Yes, Mr. President.

11 ACTING PRESIDENT BENJAMIN: the
12 sponsor yields.

13 SENATOR KAVANAGH: Okay. So my
14 question is about this Part XXX, which is about
15 the establishment of a commission to create a
16 voluntary public financing system for statewide
17 and state legislative public offices. And
18 there's been a lot of talk today, Senator Myrie,
19 in other contexts about whether this language
20 would in fact authorize this commission to make
21 other changes that are unrelated to public
22 financing. And I just don't read it that way,
23 and I'm wondering if Senator Myrie could comment.

24 So the language that people are
25 concerned about is Part J of Section 2, which is

1 a long list of things that the commission would
2 be asked to do in the context of creating a
3 public financing system, and then there's Section
4 3, which says "The commission shall limit its
5 recommendations to a public financing program
6 that has a total maximum annual fiscal cost of no
7 more than \$100 million."

8 So I wonder if -- do you read this
9 as permitting this commission to make laws that
10 would become enacted laws upon its recommendation
11 unless the Legislature were to effectively void
12 them? Do you read it as allowing that commission
13 to make recommendations beyond what's necessary
14 to create a public financing system?

15 SENATOR MYRIE: Mr. President,
16 through you, I do not read it as such. Section 2
17 of Part XXX says "the commission shall
18 specifically determine and identify all details
19 and components reasonably related to the
20 administration of the public financing program."

21 That section is then followed by ten
22 subsections that mention public financing
23 explicitly or implicitly by referring to it as
24 "the program." Section J then says "Rules and
25 definitions governing," followed by a number of

1 phrases that may have been interpreted to say
2 that this has jurisdiction outside of public
3 financing. But I think collectively the 10
4 subsections, combined with Section 2 and the
5 following section, that says it must limit its
6 recommendations to the public financing program,
7 do not allow for this commission to examine
8 things outside of public financing.

9 When it mentions political party
10 qualifications or multiple party candidate
11 nominations, it is as it pertains to public
12 financing. For example, if there is an
13 individual who wants to run on multiple party
14 lines, should they be allowed to take advantage
15 of the public financing system?

16 So it is my belief that the intent
17 of this commission and the intent of this
18 legislation is to determine how best to institute
19 a public financing system in the State of
20 New York.

21 SENATOR KAVANAGH: Thank you.
22 Through you, Mr. President, thank you, Senator
23 Myrie. No further questions.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Jacobs.

1 SENATOR JACOBS: Thank you. On the
2 bill.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Jacobs on the bill.

5 SENATOR JACOBS: A few days ago,
6 about a week and a half ago, a number of judges
7 in my area invited all the elected officials,
8 their staffs, to come and meet with them to get
9 their thoughts and to express their --

10 ACTING PRESIDENT BENJAMIN: Order
11 in the chamber, please.

12 Continue, Senator Jacobs.

13 SENATOR JACOBS: -- and the judges
14 to express their concerns about the criminal
15 justice measures that were being discussed in the
16 budget.

17 In all the time I've been in elected
18 office, I've never heard of members of our local
19 judiciary calling electeds to talk to them about
20 how serious they took these changes and the
21 concerns of them. Asking other of my colleagues
22 who have been in elected office longer than I,
23 they also don't recollect such a meeting.

24 That meant a lot to me that these
25 individuals, from a variety of parties, a variety

1 of backgrounds, all came together to express
2 their concerns.

3 I also got a call from a trooper who
4 said: Off the record, because I work technically
5 for the Governor -- to express his concerns, a
6 trooper that works specifically in dealing with
7 campus sexual assaults and the consequences these
8 changes would have in his ability to do his job.

9 And then here we are tonight where
10 the head of the District Attorneys Association
11 comments very, very strongly about his concerns
12 and lack of input on this major and sweeping
13 piece of legislation that is within this budget.

14 In the three years I've been in the
15 Senate, I've commented often on concerns I've had
16 where major policy issues have been put into the
17 budget, which is supposed to be about the
18 expenses and the revenues of the budget and not
19 broad-based policy.

20 I would say this is -- this instance
21 is greater than any other where a major and
22 sweeping policy is put into this budget. And I
23 would just urge this body to reconsider that this
24 major policy -- and there's merits to it, I've
25 listened with interest as Senator Bailey and

1 Senator Ranzenhofer and Senator Gianaris and
2 Senator Lanza discussed with a lot of different
3 experiences and insights. Unfortunately, the ink
4 is already dry on this. This is already
5 happening. It was a discussion for the sake of I
6 don't know what.

7 But I think this needs more time to
8 know the consequences in terms of the people who
9 are being charged, in terms of protecting the
10 victim, in terms of the major fiscal impact that
11 could happen here. I do not believe, with all
12 the people that we respect -- the judiciary, the
13 District Attorneys Association and others that we
14 respect -- I do not think it is responsible to
15 enact this within the budget tonight.

16 I am in the negative. Thank you.

17 ACTING PRESIDENT BENJAMIN: Are
18 there any other Senators wishing to be heard?

19 Senator Rivera on the bill.

20 SENATOR RIVERA: Thank you,
21 Mr. President.

22 I wanted to wait until the end
23 because I wanted to make sure that I heard
24 everything that was said. It will be quick,
25 don't worry.

1 It is -- every vote on a bill --
2 every budget vote is a challenge. We have to
3 take into consideration everything that is in,
4 that it is not. And this has been, as I said
5 before, a challenging budget year.

6 The bill before us has a bunch of
7 stuff in it kind of like a turducken. You've
8 heard of that, I'm sure. You take a small bird,
9 you put it inside a bigger bird, and you put it
10 inside a bigger bird, and sometimes you deep-fry
11 it. Sounds disgusting just thinking about it.

12 But there are things in here that
13 are important to point out. It is -- although
14 it's certainly not perfect and nothing in this
15 budget is, the congestion pricing scheme that we
16 came up with, while again certainly not perfect,
17 does create a revenue stream for the MTA which is
18 absolutely necessary. Ninety to 95 percent of
19 the people in my district use a bus or a train
20 every single day. It is necessary to make sure
21 that if we're going to have the city run, that we
22 have the public transportation system run
23 effectively.

24 There's much to do still, and I
25 trust that my colleagues, both Senator Kennedy

1 and Senator Comrie, will do their best to make
2 sure that as we make this transition, it happens
3 well. So that is a good thing.

4 I do think that speedy trial and
5 bail reform are absolutely necessary. And I
6 would ask my colleagues who mentioned many of the
7 resistance that they have to this change to
8 consider and remember one of my former
9 constituents, Kalief Browder. We've talked about
10 him on this floor before. A young man of 16 who
11 was arrested, charged with stealing a backpack,
12 spent three years in Rikers Island, was
13 ultimately let out of Rikers Island with charges
14 dropped because he had done nothing. And because
15 of what he suffered in there, he ultimately
16 committed suicide.

17 And let us remember that the reason
18 he was in Rikers Island was because he did not
19 have the money to post bail to leave Rikers
20 Island. And there are many Kalief Browders still
21 to this day that are in there.

22 So I believe it is absolutely
23 necessary. And my colleague -- and I trust that
24 my colleagues that made the decision of what this
25 package needs to look like did the right thing.

1 I thank Senator Bailey, Senator Kaminsky and
2 others who were involved in making sure that this
3 is the right thing.

4 I want to just briefly talk about
5 the public financing commission. I will be
6 quick, but I just think that this needs to be
7 said for the record. I share many of the
8 concerns that my colleagues have about this not
9 being a real thing. And matter of fact, except
10 for the fact that Senator Funke said that he did
11 not support campaign finance, if you took me
12 saying I support public finance and then you took
13 everything else that you said, it would have
14 basically been exactly the same thing.

15 So I share your concerns about it.
16 And I believe that this is not the end of it, and
17 we're certainly going to look at it very closely.
18 Because for those of us that believe that this is
19 important and necessary, this is not a good
20 thing.

21 However, in balance, one has to make
22 a decision. Which is why I will be voting in the
23 positive, in the affirmative for this piece of
24 legislation, because there's a lot of things that
25 should be in it, things that are in it give us --

1 move forward on certain ways. But we will have
2 much more to say after we get this budget passed
3 on all of these issues again.

4 Again, Mr. President, I'll be voting
5 in the affirmative. Thank you.

6 ACTING PRESIDENT BENJAMIN: Seeing
7 and hearing no other Senators wishing to be
8 heard, Senator Flanagan to close debate.

9 SENATOR FLANAGAN: Thank you,
10 Mr. President.

11 I actually have one question, and
12 it's on education. I don't know if I should be
13 asking Senator Mayer or Senator Krueger to yield.

14 SENATOR GIANARIS: That will be
15 Senator Mayer.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Mayer, do you yield?

18 SENATOR MAYER: Happy to.

19 ACTING PRESIDENT BENJAMIN: The
20 Senator yields.

21 SENATOR FLANAGAN: Thank you,
22 Mr. President. Through you. My question relates
23 to this bill, the school runs, and what I saw.
24 And we can talk about BOCES, we can talk about
25 Special Acts, 4201s, all of which I know you

1 strongly support. And we could probably have
2 multiple, multiple hours of conversation on
3 Foundation Aid. But I looked at this, and I
4 looked at my own districts, and they didn't do so
5 well. But that's not my question.

6 I noticed that -- after talking to
7 Senator Funke, Senator Robach, Senator Helming,
8 Senator Antonacci, Senator Tedisco and a number
9 of my colleagues who represent small cities and
10 members of the Big Five, I looked to see if there
11 was anything special for them outside of the
12 regular funding that would be in the school aid
13 run. We all looked at the runs together, and
14 there was nothing. When I look at this run --
15 and on the last page of the run are the details
16 for the Big Five. And I notice that for some
17 particular reason that the City of Yonkers gets a
18 \$12 million special grant that no one else in the
19 state gets.

20 With over 700 school districts in
21 the State of New York, I'm trying to figure out
22 even with the academic grant that they get of
23 \$17.5 million -- which they need, and which
24 they've been getting year after year -- and even
25 with a \$10 million increase in Foundation Aid,

1 which they need, their state aid is close to
2 7 percent. And now with this special grant that
3 goes to them and them alone, their state aid is
4 close to 11 percent if not 11 percent.

5 Can you explain how they are
6 different and why they seem to be special
7 compared to all of my colleagues who represent
8 municipalities that are similarly situated and
9 who have virtually identical needs?

10 SENATOR MAYER: Through you,
11 Mr. President, I'm happy to.

12 In the first place, I would dispute
13 your premise that the small cities and districts
14 throughout New York did not benefit by many of
15 the policy changes in this budget that relate to
16 education funding. The rejection of the proposed
17 consolidation of expense-based aids, the raising
18 of the BOCES superintendents' salary, the
19 staggering building condition survey. There are
20 a remarkable number, I would say, of positive
21 policy provisions in this budget that positively
22 impact every district in the state, and many of
23 the members on your side of the aisle probably
24 more than some of our more urban districts.

25 So I take -- I think you're

1 incorrect in your initial assessment.

2 With respect to the City of Yonkers,
3 I'm happy to answer. As you know, I spent six
4 years very proudly fighting for Yonkers school
5 funding before I came here. This year Yonkers
6 faced a \$60 million operating deficit in the
7 Yonkers public schools' operating budget for the
8 next year. I think that greatly exceeds any
9 other hole in the budget from a break-even
10 operating budget for any other district.

11 In order for Yonkers to avoid
12 massive layoffs, reductions in what is already
13 completely inadequate services -- less social
14 workers, psychologists, art, music, sports and
15 everything else that you would want for your
16 district -- Yonkers needed \$60 million. We have
17 been unable to fill that gap. We have made a
18 good-faith effort to help Yonkers avoid a
19 catastrophe, at the request of the mayor and, on
20 a bipartisan basis, the Yonkers City Council.

21 And I'm proud that we were able to
22 begin to address the shortfall in Yonkers. I
23 talked to the mayor today. We have not finished,
24 we cannot avoid a crisis. Our job is to address
25 the shortfall in the districts throughout the

1 state. Yonkers has an extraordinary shortfall,
2 and it is our job and I'm proud that we are
3 beginning to address it.

4 SENATOR FLANAGAN: Thank you,
5 Senator Mayer.

6 Mr. President, on the bill.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Flanagan on the bill.

9 SENATOR FLANAGAN: I want to thank
10 Senator Mayer for her response.

11 But I'm just looking at Senator
12 Amedore, who had very detailed conversations with
13 me based on me seeing him on TV fighting for one
14 of his school districts, during which he told me
15 they have a \$2 million deficit. I had
16 conversations with Senator Griffo, who happened
17 to tell me about a multi-million-dollar deficit
18 in one of his school districts. And I daresay I
19 could look at every one -- looking at Rich Funke,
20 the magnitude of the issues confronting
21 Rochester.

22 And the points that Senator Mayer
23 raised about things that were done for small city
24 schools and others, those were done for everyone.
25 Everyone. Every school district. So if we were

1 being equitable and we were doing it in that
2 fashion, then anyone who would have a deficit
3 should be given special consideration.

4 I just know when I go back to the
5 districts I represent -- and I listened to my
6 colleagues -- people are going to -- they're
7 going to know this. It's not like it's hidden
8 somewhere. They're going to know and they're
9 going to say, I looked at this. How did they get
10 that bonus? How did they get almost an
11 additional 4 percent specifically lined out
12 compared to everyone else?

13 I think I know the answer, and I
14 know how I'll answer it when the question comes
15 to me. And I'm pretty sure I know how my
16 colleagues will answer it as well.

17 And I look at the education package
18 in relation to something that we did just about
19 three weeks ago. We were here and we listened to
20 a number of our colleagues talk about the
21 one-house budget and the priorities and
22 Foundation Aid and Foundation Aid and Foundation
23 Aid and Foundation Aid. And how the promise had
24 not been kept. And how this Majority put on the
25 floor before us an education package of

1 \$1.6 billion, matched by the State Assembly at
2 \$1.6 billion as well.

3 And less than three weeks later, we
4 find ourselves back here and you all are coming
5 back with a Foundation Aid number that is half of
6 what was advocated and an overall package in
7 education that is \$600 million less than what you
8 voted for a couple of weeks ago. And that's what
9 you brought to us, and that's what you voted for
10 and that's what you supported. We did not. And
11 I don't have any intentions of voting for this
12 bill.

13 So when I hear about Foundation Aid,
14 I heard there was going to be a three-year
15 phase-in to meet the promise and meet the
16 commitment. It's not here. It's not in the
17 bill. I know we had this thing called the GEA,
18 the Gap Elimination Adjustment. We fought to
19 make sure and we got in the budget a multiyear
20 promise and a multiyear commitment in the budget
21 to make sure that it got done. But that's not in
22 here for Foundation Aid.

23 Now, the number for Foundation Aid
24 last year was \$618 million, and that's exactly
25 what it is this year. But I know all my

1 districts do not do as well. The minimum granted
2 to each district this year is less than half of
3 what it was last year. That's on education.

4 I listened to the comments about
5 what is commonly referred to but misnamed as
6 congestion pricing. It's a commuter tax. It's a
7 reinstatement of the commuter tax. And I
8 listened to Senator Lanza; I would only add this
9 to what he says. It's going to hurt my
10 constituents. It's going to hurt Phil Boyle's
11 constituents. It's going to hurt Kenny LaValle's
12 constituents. It's going to hurt Sue Serino's
13 constituents. Because they're all going to have
14 to pay that tax.

15 Now, we have two similar problems.
16 Number one, congestion pricing commuter tax. The
17 responsibility for that is being kicked down the
18 road. I call it punting. And I said to some of
19 my colleagues today when you play football and
20 your team is punting more than it should, you're
21 losing.

22 Here the Governor and the
23 Legislature is abdicating its responsibility.
24 There was a recent fare increase and toll
25 increase that was voted on by the MTA board. I

1 don't have any problem with that, because the
2 Governor controls the board. They had to be held
3 accountable. But now we're passing this off to
4 somebody else because it's tough and because
5 nobody really wants to do it. In reality, the
6 board is controlled by the Governor. He makes
7 the bulk of the appointments. Make them do it.
8 Don't slough it off to somebody else.

9 And everyone's been told, you've got
10 to come up with \$15 billion in order to make this
11 work. We haven't even seen the effects of what
12 we did last year for for-hire vehicles and taxis
13 and livery and everything else.

14 I don't think it's responsible to
15 ask someone else to do it. Senator Lanza made
16 very valuable points about we don't know -- 10,
17 15, \$20? I read today the Verrazano, 19 bucks,
18 the most expensive bridge in the country. You
19 talk about a lousy distinction. The iconic
20 bridge is the most expensive bridge in the
21 country.

22 Those decisions should not be
23 delegated. Tough though they may be, those
24 decisions should be made by people who are
25 appointed on that board. Not some panel, not

1 some review board, not some group of people who
2 may be experts -- but they shouldn't be the ones
3 making the decision. That should be done by
4 people who are appointed, whether it's the
5 Governor or anybody else, so they can be held
6 accountable.

7 Last, but God, by no means least,
8 when I look at what we went through in this
9 budget, and here we are finishing up -- and I
10 will finish up -- there was a whole discussion
11 about all kinds of things that we could fund and
12 the things we couldn't fund and it's a tough
13 budget. I've been here 33 years. And I may have
14 been born at night, but my God, it was not last
15 night. This commission for public financing of
16 campaigns, anybody who votes for this, anyone who
17 votes for it, you are voting for public financing
18 of campaigns. And if that's your schtick, more
19 power to you.

20 I am philosophically opposed to
21 public financing of campaigns in any way, shape
22 or form. I can think of many, many, many, many
23 better uses for that money. Here we are creating
24 a fund, welfare for politicians. People say no,
25 it really works, look at New York City. Boy, if

1 I look at the public financing of campaigns, I
2 will look at New York City and say that is the
3 exact thing that I would never want to see
4 happen.

5 I think that system stinks. I think
6 it's an abomination. I think it is abuse of
7 taxpayers. And if that's going to be the
8 template -- the charge of this commission is not
9 something that should be given to somebody else.
10 Now we find ourselves in the situation the
11 Assembly has passed this year after year after
12 year and shoved it into our face. And I'm
13 perfectly happy to have said yes, I never voted
14 for it. And if I had a chance to vote for it, I
15 would vote against it, which is exactly what I'm
16 going to do tonight.

17 I wouldn't want to go home to my
18 taxpayers and say, hey, you got to pay this for
19 this really glossy mailer that tells somebody
20 that somebody else is an idiot.

21 We should be spending money on the
22 environment, on healthcare, on direct care
23 workers, on Lyme disease, on veterans services,
24 making sure that we don't have to do things like
25 a prescription drug tax that's going to cost

1 seniors. And I don't believe for one second, not
2 one, that this is going to be limited to
3 \$100 million. Because I have seen the pay
4 commission -- twice -- and I sat in a room when
5 those decisions were made. That pay commission,
6 they went so far outside their field of
7 authority. I am New York certain that that's
8 exactly what's going to happen if we give this
9 power away to some unelected board.

10 If people want to support public
11 financing of campaigns, put it on the floor for
12 real. Don't pass it off to somebody else. We
13 were elected to govern, and that includes making
14 the difficult choices.

15 There are plenty of other things to
16 talk about in this component of the budget.
17 Mr. President, I appreciate your indulgence.
18 Senator Mayer, thank you for answering my
19 question. And in case you weren't able to figure
20 it out, I will be voting no.

21 ACTING PRESIDENT BENJAMIN: Clear.
22 We are clear, Senator Flanagan.

23 The Secretary will ring the bell.

24 Read the last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN: Senator
6 Jackson to explain his vote.

7 SENATOR JACKSON: Thank you,
8 Mr. President and my colleagues. I rise in order
9 to speak about education funding.

10 And I say to all of you that I will
11 be voting yes, but with reservations. The unity
12 of our Democratic Conference, and to support all
13 of the positive things that we have done and all
14 of the positive things that we are working on in
15 this \$175.5 billion budget, and all the future
16 legislation we intend to work on.

17 For those of you who are unaware, I
18 launched the Campaign for Fiscal Inequity in 1993
19 as the president of Community School Board 6 in
20 Manhattan when my youngest daughter was in the
21 first grade at PS/IS 187. And yes, I make
22 reference to my children because this is
23 personal.

24 The lawsuit took 13 years. And I
25 walked 150 miles from New York City to Albany --

1 eight days -- in order to fight for the children
2 of the State of New York. And we won. The Court
3 of Appeals ruled in our favor in 2006. And in
4 2007, some of you were here when Eliot Spitzer,
5 the then-Governor at the time, and the
6 Legislature created the Foundation Aid formula so
7 every child in New York State would have the
8 funds to provide them with the opportunity to get
9 a sound, basic education. That's what this was
10 about. And that's what the fight continues
11 today.

12 Two months ago I joined with the
13 Alliance of Quality Education to tour schools
14 across New York State. We visited Rochester,
15 Syracuse, Schenectady, Peekskill, Ellenville,
16 Mount Vernon, Ossining, Washington Heights in
17 New York City, in my district, Westbury and
18 Brentwood, Long Island. And what do we find?
19 Underfunded schools. Many kids being denied the
20 opportunity for a sound, basic education.

21 Well, this is what the Constitution
22 of New York State guarantees them, the
23 opportunity to get that sound, basic education.
24 And why don't we have it? I can think about the
25 past in this legislative body, but I'm not going

1 to raise that now. I know that this body failed
2 to give those children the opportunity for a
3 sound, basic education. And now this body, along
4 our Governor -- this Governor has refused to
5 fully fund the Foundation Aid formula. And no
6 one can tell me that it doesn't work. Fund it
7 first, then tell me it doesn't work.

8 Yes, \$4 billion are owed to our
9 children under the Foundation Aid formula. And
10 you know one thing? They're entitled to it. And
11 we have an obligation to give it to them. And if
12 we don't, we fail in our responsibility to the
13 children of New York State.

14 You may disagree with me, but I tell
15 you, I've been to these schools, I know what they
16 look like. I've sat through 12 hearings and
17 joint hearings with superintendents and mayors
18 and Bill de Blasio -- and I know a lot of you
19 don't like him -- all of them spoke about the
20 fact that if in fact Foundation Aid is not
21 increased and fully funded, there will be layoffs
22 all around. Programs will be cut, after-school
23 programs, intervention programs. And there's one
24 district, a rural district, they don't even have
25 one social worker in the entire district.

1 The New York State Board of Regents
2 and the State Commissioner of Education said this
3 year at budget hearings, please fund \$1.6 billion
4 this year and phase in the rest of the \$4 billion
5 next year -- over the next three years, so our
6 children will have the opportunity for a sound,
7 basic education.

8 And this isn't about upstate versus
9 downstate or urban versus suburban or rural.
10 This is about every part of New York State. And
11 it's our obligation to educate the 2.2 million
12 students of our state.

13 The fight might be over today, but
14 tomorrow is another day. And every day after, we
15 will organize and fight anyone blocking our
16 children from getting the opportunity for a
17 sound, basic education.

18 Thank you, Mr. President.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Jackson to be recorded in the affirmative.

21 Senator Gianaris to explain his
22 vote.

23 SENATOR GIANARIS: Thank you,
24 Mr. President.

25 I want to start out by pointing out

1 that I don't like his bill. And it's got a lot
2 of things in it that frankly shouldn't be there,
3 and other things that shouldn't be anywhere. But
4 we're here because of a flawed process that we'd
5 better get our hands around going forward,
6 because this state's going in a very dangerous
7 place and people are being disenfranchised when
8 the Legislature doesn't get to have its say
9 properly over the issues before us.

10 I want to agree with Senator
11 Flanagan. There are things in here that
12 shouldn't be all put together. But they are, and
13 we're stuck with it. For example, you all just
14 voted against the property tax cap.
15 Congratulations. I know that you've been working
16 for that for many years, but it took a Democratic
17 majority to get it permanent.

18 But the point is, you shouldn't be
19 forced to make a decision between that and
20 everything else in this bill, nor should we. And
21 yet here we are.

22 And I am supporting this bill,
23 because there are some amazing historic things
24 that are done in it. And unfortunately, we are
25 forced to make some very difficult and unfair

1 decisions to make them happen.

2 For me, I am incredibly proud that
3 we are transforming our criminal justice system
4 today and making it fairer for so many who have
5 been suffering simply because they are poor and
6 cannot afford to buy their way out of jail. That
7 is something to be proud of. That is something,
8 when our public service careers are over, we can
9 look back on and say we helped thousands and
10 thousands of people in this state get out of the
11 cycle of the criminal justice system that has
12 plagued our communities for far too long. And
13 for me, that's worth a yes vote.

14 There are other things in this bill
15 that I like, there are other things I don't like.
16 There are things we shouldn't even be talking
17 about in any context that are in this bill.

18 But for me, saving those lives is
19 incredible, and I'm proud to be a part of it.
20 I'm proud that when we talk about Kalief Browder
21 it's not just a story of tragedy now, but a story
22 of reform that will help so many that will follow
23 in his footsteps.

24 And I do want to thank my colleagues
25 who worked so hard to help make this happen --

1 Senator Bailey, Senator Myrie, Senator Mayer,
2 Senator Kaminsky -- who helped put the words on
3 the paper to make this happen. But it is
4 something that I think, given time, even my
5 colleagues who are voting no will appreciate that
6 this was done.

7 I also want to say a word of thanks
8 to Senator Jackson, because he is absolutely
9 right. We have to get our act together on
10 funding our schools properly in this state.
11 Because what all these issues have in common is a
12 brighter future for young people in New York.

13 And because there are things in this
14 bill that will bring dramatic reform to our
15 state, I will be voting yes, Mr. President.
16 Thank you.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Gianaris to be recorded in the affirmative.

19 Senator Serino to explain her vote.

20 SENATOR SERINO: Thank you,
21 Mr. President. And I'm going to speak on my
22 vote, and I will be brief. I know it's late.

23 There's an abundance of issues that
24 I have with this revenue bill, but I want to
25 focus on one that really hits home for my

1 residents and my community, the topic of
2 conversation basically tonight, the MTA.

3 Since taking office I have been
4 calling for an independent forensic audit of the
5 MTA, and I'm absolutely thrilled to see this
6 piece in this budget bill. As you may be aware,
7 the New York Times ran an exposé, and I believe
8 it was last year, that showed that MTA
9 construction costs are about seven times higher
10 than the global average.

11 In regard to operating costs, since
12 the job-killing MTA payroll tax was put into
13 place in 2009, the entire \$1.5 billion that the
14 tax brings in has been consumed by growing
15 operating costs. It is absolutely critical that
16 the state prioritizes curbing MTA construction
17 and operating costs.

18 I am, however, incredibly disturbed
19 to see that this is being done in the same bill
20 that would enact an aggressive congestion pricing
21 scheme, and that required the reorganization plan
22 to be submitted before the forensic audit is
23 required to be released. While I see that the
24 effective dates require the forensic audit to be
25 completed before the commuter tax actually kicks

1 in, I worry that by already approving the
2 commuter tax and rushing the reorganization plan,
3 the audit's results won't be taken seriously by
4 this body or by the MTA. And I really hope it's
5 not just a PR sham.

6 Before we take in a single dollar of
7 new revenue for the money pit that is the broken
8 MTA, the state needs to fully comprehend its
9 failings and put a plan in place to ensure
10 efficiency and smart use of taxpayer dollars. I
11 urge my colleagues to take this initiative
12 seriously, because I know that my constituents --
13 and I'm sure I'm not alone on this one -- are
14 sick and tired of being considered an ATM for the
15 MTA.

16 This is just one of the many reasons
17 that I cannot in good conscience support this
18 bill. I vote nay, Mr. President. Thank you.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Serino to be recorded in the negative.

21 Senator Liu to explain his vote.

22 SENATOR LIU: Thank you,
23 Mr. President.

24 I want to say that in New York State
25 really the most important job that we have is

1 educating our schoolkids. And thus if you look
2 at our total expenditures, schools, our public
3 schools and education are among the very top.

4 As we all know, it's certainly not
5 enough. We have been all saying that it's a
6 little over \$4 billion short. I believe we've
7 made every effort to increase that school aid as
8 much as possible. And in fact we did increase it
9 by just a little over a billion dollars in total
10 over last year's spending. It's still not
11 enough. And \$618 million of additional
12 Foundation Aid is not nearly enough.

13 I think that going forward we have
14 to make it very clear we still owe the
15 schoolchildren of this state another \$3.5 billion
16 to be square with what the courts demanded of us
17 a number of years ago.

18 We will continue to work to improve
19 our schools. On the New York City front, I want
20 to say that we are giving the mayor a three-year
21 extension of his so-called control, what we like
22 to consider accountability. That accountability
23 will be looked at very seriously, I believe by
24 our chamber as well as by our partner house in
25 the Assembly.

1 As part of the extension of mayoral
2 accountability, a/k/a control, we are giving
3 parents a much stronger voice -- a stronger voice
4 on the CEC, a stronger voice in the PEP with the
5 addition of a parental appointment, the ability
6 to look at school closures and to provide input
7 before they occur, and also giving parents on the
8 CEC the opportunity to review final appointments
9 or final considerations for school and
10 superintendent positions before they are actually
11 made.

12 We're also demanding more
13 accountability from the PEP itself in the form of
14 if the mayor decides to remove a member, the
15 mayor will have to provide the justifications for
16 such removal. And also there will be no more
17 ability to exempt or permanently exempt a
18 chancellor from the educational requirements
19 under State Education Law. That exemption would
20 not be valid for more than six months, just for
21 transition purposes.

22 So these are measures that I think
23 will make our schools in New York City more
24 accountable, run better. And we will look for
25 the mayor and his Department of Education in

1 New York City to make sure that they are running
2 our schools as best as can possibly be.

3 One other note. The issue of
4 mobility tax, congestion pricing, whatever you
5 want to call it. The point here is that it's
6 never an easy choice. In fact, it's always an
7 ugly choice when it comes to the MTA. But we
8 need the MTA. The MTA runs our transit system.
9 The transit system, even when that revolves
10 around the City of New York, is the economic
11 engine for the entire state. And so we need a
12 solution to make sure that these trains and buses
13 are running properly. This is not the best
14 solution, but I believe with our Chairmen Comrie
15 and Kennedy, under the leadership of Andrea
16 Stewart-Cousins, we will hold the MTA very much
17 accountable and make sure that they indeed bring
18 us finally into the 21st century when it comes to
19 transit.

20 Thank you, Mr. President.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Liu to be recorded in the affirmative.

23 I'd like to remind all members,
24 please keep your comments close to two minutes.
25 Thank you.

1 Senator Bailey to explain his vote.

2 SENATOR BAILEY: Thank you,
3 Mr. President.

4 I'd like to first thank Senator
5 Ranzenhofer and Senator Lanza for their spirited
6 discussion about this matter of criminal justice,
7 which will be the focus of my explanation of my
8 vote.

9 There was a movie called Miracle,
10 about the 1980 U.S. Hockey Team, where Herb
11 Brooks said: "Great moments are born from great
12 opportunity." In this chamber today we have a
13 great moment because of opportunity, because of
14 the opportunity that the state gave us, who have
15 a Democratic majority, to finally get criminal
16 justice reform done.

17 You see, I recognize my opportunity
18 that was given to me by Leader Stewart-Cousins to
19 be the chair of the Codes Committee. And it's
20 something that I don't take for granted every
21 night when I drive to my hotel and I pass by the
22 University at Albany, where 15 years ago I was an
23 intern across the aisle, across the hallway in
24 the Assembly, under the leadership of Speaker
25 Heastie, and I realize the opportunity that I've

1 been given today to shape the face of criminal
2 justice reform. A kid from the Bronx can help
3 shape the face of criminal justice reform -- that
4 is an amazing opportunity, afforded to me by
5 education at the University at Albany, afforded
6 to me by an incredible leader. To quote -- we
7 didn't get a scripture today, Mr. President --
8 Proverbs 27:17 says "Iron sharpens iron." And
9 this is what we do in this chamber when you have
10 people like myself and Senator Gianaris and
11 Senator Myrie and Senator Kaminsky and Senator
12 Mayer. When we work together, there is no limit
13 to the opportunity that we can accomplish,
14 Mr. President.

15 Education is the great equalizer
16 because it provides opportunity, but what about
17 those who don't get that education and they don't
18 get the opportunity? They become prisoners of
19 circumstance. They become individuals who
20 sometimes succumb to certain things. But we have
21 to make sure that the justice system is not a
22 place that is unkind. We have to make sure that
23 it is fair.

24 And you're wondering, well, how does
25 this kid from -- that went to Bronx Science,

1 that's never been in trouble, that's never been
2 arrested, as he said before, what the hell do you
3 know about criminal justice? Well, I can tell
4 you, Mr. President. In speaking to my aunt
5 today, I was reminded about my cousin, who spent
6 two and a half years on Rikers Island for a crime
7 he didn't commit. We couldn't afford the bail.
8 They had no discovery. By the grace of God --
9 only by the grace of God, Mr. President, my
10 cousin was released.

11 That is why I care about this so
12 much. That is why the opportunity to change
13 these things has not been lost on me. When we
14 talk about Kalief Browder and not saying his name
15 in vain, we have an opportunity once again,
16 Mr. President, to make sure that the Kalief
17 Browders that we've never met and never will meet
18 don't meet the same fate. That is our call,
19 Mr. President, as public servants. This is our
20 job. This is our vocation. This is what we are
21 elected to do.

22 And today we've done it. Before
23 today, if you were a litigator in a civil case
24 you got discovery plentifully when life and
25 liberty wasn't on the line, but if you were in a

1 criminal matter, oh, well. Well, no more. Not
2 after today. Not after what this body is going
3 to do. Landmark reform, Mr. President.

4 I recognize my time is coming to an
5 end in the explanation of my vote, but I want to
6 leave you with this. It was mentioned by Senator
7 Gianaris earlier about what are we doing this for
8 and who are we doing this for. So in 15 years
9 when my daughters pick up a textbook or a tablet
10 or whatever it is that kids are in school using
11 at that point, I want them to be able to say
12 "Dad, looked what you helped to do." That's why
13 we do this work, Mr. President. And none of us
14 should ever forget.

15 I'm from the Borough of the Bronx,
16 where our motto is "ne cede malis," which means,
17 in Latin, to yield not to evil. And this body
18 will not yield, we have not yielded, and we will
19 never yield. I vote aye, Mr. President.
20 Criminal justice reform has been done.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Bailey to be recorded in the affirmative.

23 Senator Antonacci to explain his
24 vote -- Senator Antonacci to not explain his
25 vote.

1 Senator Biaggi to explain her vote.

2 SENATOR BIAGGI: Thank you,
3 Mr. President.

4 I represent Rikers Island, where
5 we've heard now many times in this chamber Kalief
6 Browder spent three years in jail, nearly two of
7 them in solitary confinement, for allegedly
8 stealing a backpack.

9 I represent Roosevelt Avenue, where
10 immigrant and trans women face pretrial
11 incarceration on charges related to survival,
12 coercion and circumstance. I represent hundreds
13 of thousands of families who suffer the emotional
14 trauma and financial strain of having a loved one
15 incarcerated during pretrial.

16 Nearly 38,000 people are sent to
17 Rikers every year because they cannot afford
18 bail. And each year more than 20,000 people are
19 represented in Bronx Criminal Court faced with
20 the very difficult decision of whether they
21 should plead guilty or go to trial, mainly
22 because they're forced to make decisions in the
23 dark without key aspects of the case that is
24 being brought against them.

25 The criminal justice system has

1 disproportionately affected people of color,
2 people who do not have money, and it has happened
3 for too long in the great State of New York. And
4 today we change that.

5 I am humbled to be in this chamber
6 today when we are passing this transformational
7 policy, and I tip my hat to my colleagues Senator
8 Bailey, Senator Gianaris, Senator Mayer, Senator
9 Myrie, thank you. The efforts for bail reform,
10 for speedy trial reform, for discovery reform
11 will be some of the best policy that we do this
12 year.

13 But I have to say, just like Senator
14 Gianaris, I am not happy with the entirety of
15 this bill. When I speak in this chamber I
16 recognize I'm not speaking for myself, I am
17 speaking for all of the people of District 34
18 that put me in here, from the Bronx and
19 Westchester, from Pelham all the way to City
20 Island, to Riverdale, all the way down to
21 Hunts Point. And on their behalf, I will say
22 that I owe it to them to be transparent about
23 this budget process.

24 And I have to also say that from
25 this week, this budget process requires an

1 incredible dose of transformation, of
2 collaboration and of transparency. And why?
3 Senator Gianaris touched on it very, very
4 briefly. Because of a case, Silver v. Pataki, a
5 ruling that gave the executive branch outsized
6 influence and ability to control key aspects of
7 the budget process.

8 And what we've learned, simply, is
9 that we really need a more collaborative way to
10 make decisions to fund our state's priorities.
11 And I don't think that there is a soul in this
12 room who disagrees with me.

13 This is how we get our state
14 government to work better. This is how we make
15 smarter decisions, by fully leveraging all of the
16 smart and dedicated members of our Legislature in
17 both chambers. My voters sent me to here to
18 deliver a more transparent and progressive
19 government for them and for their families. And
20 despite the sobering realities of what I've seen
21 this week, I'm determined to achieve that for
22 them. And, lucky for them, I love a good
23 challenge.

24 So these are the disappointing
25 results of the process. The failure of including

1 the pied-à-terre tax, the failure of including
2 the ultra-millionaire's tax. Our State Budget is
3 \$175 billion, and our education Foundation Aid
4 funding is not even 1/100th of that.

5 So Senator Flanagan, who is not in
6 the chamber at the moment, I agree with you. We
7 can do better and we will do better. And we will
8 do better because we've only just begun.

9 And lastly, because I know my time
10 is now coming to an end, I ran on real campaign
11 finance reform. And to those people in this
12 chamber who believe that it costs the state too
13 much or that the taxpayers should not be paying
14 for campaign finance reform, this is what I say
15 to you. Too many members in this chamber have
16 left in handcuffs. And that is because of money
17 in politics and the corrupting influence that it
18 has on people making decisions in the Legislature
19 and other branches of our government.

20 So I will close tonight by saying
21 this. We've seen how this process is done. It
22 is illuminating, it is inspiring, and we will
23 look forward to transforming it.

24 Thank you, Mr. President. I vote
25 aye.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Biaggi to be recorded in the affirmative.

3 Senator Gianaris.

4 SENATOR GIANARIS: Mr. President,
5 the hour is very late, it's 11:30. I do just
6 want to remind our colleagues, we do have a rule
7 to keep our vote explanations to two minutes.
8 The list of those who still want to explain their
9 votes is lengthy. So I would ask you,
10 Mr. President, to begin to enforce the rule
11 because we do have to proceed with the business
12 today. Thank you.

13 ACTING PRESIDENT BENJAMIN: It is
14 so ordered.

15 Senator Ramos to explain her vote.

16 SENATOR RAMOS: Thank you,
17 Mr. President. Serving in this body is really
18 one of the greatest privileges in my life, and I
19 know that. Franklin Delano Roosevelt once worked
20 in this very chamber. He was of course a great
21 man of privilege and a member of a political
22 dynasty, kind of like we know who. But his work
23 here was always about helping the other. He
24 championed vast reforms to labor laws and put
25 women and children on his agenda first. He

1 vehemently opposed Tammany Hall, perhaps because
2 he understood that New York State needed change.
3 African-Americans were migrating here for better
4 jobs, immigrants from Italy and Poland were
5 arriving, as were people from Ireland and Germany
6 still. New York was set to make a choice between
7 the few and the many.

8 And we sit here today in this very
9 same chamber with the very same choice. As we've
10 stood on the brink of change these first three
11 months of session, we've passed sweeping reforms
12 improving democracy and the lives of many
13 New Yorkers. And this budget, like a true
14 compromise, is equal parts Governor and
15 Legislature. Or so it would seem. FDR was a
16 true man of the people, and so of course he
17 became president of this great country when
18 Americans needed him most. Our state needs us
19 most today. In New York there are tens of
20 thousands of homeless people, people with jobs
21 and people with families. There are business
22 tycoons with luxury apartments and summer homes.
23 There are workers who are spending less and less
24 time with their family because they have to go to
25 work or commute on an unreliable transportation

1 system. There are CEOs making more than
2 300 times their workers' salaries. We've seen
3 some of the tallest skyscrapers built in New York
4 City, but building affordable housing for those
5 very same construction workers is somehow hard.
6 Children are learning without music or art or in
7 proper classrooms, seniors on fixed incomes are
8 struggling to make ends meet. It's as if all of
9 us have had to --

10 ACTING PRESIDENT BENJAMIN: Senator
11 Ramos, how do you vote?

12 SENATOR RAMOS: -- tighten our
13 belts so that a select few can live a good life.
14 And it's not an accident. It's an orchestrated
15 hijacking of our government --

16 ACTING PRESIDENT BENJAMIN: Senator
17 Ramos, how do you vote?

18 SENATOR RAMOS: I vote (slowly)
19 aye.

20 (Laughter.)

21 SENATOR RAMOS: And I'm not done.

22 (Laughter.)

23 ACTING PRESIDENT BENJAMIN: Senator
24 Ramos to be recorded in the affirmative.

25 I apologize, Senator Ramos, but we

1 have to enforce the rule that was just laid down
2 by our floor leader.

3 SENATOR RAMOS: -- Mr. President,
4 and if I may conclude very quickly, I did want to
5 get into a little bit about public financing and
6 corruption --

7 ACTING PRESIDENT BENJAMIN: Senator
8 Ramos.

9 Senator Krueger to explain her vote.
10 I apologize, Senator Ramos.

11 SENATOR RAMOS: Okay, thank you.

12 ACTING PRESIDENT BENJAMIN: I
13 apologize.

14 SENATOR RAMOS: That's okay.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Gaughran to explain his vote.

17 SENATOR GAUGHRAN: Okay. To go
18 quick.

19 Mr. President, like it has been said
20 by many of my colleagues, this process needs to
21 be improved. Maybe we shouldn't be putting all
22 this policy in one big budget vote. And we're
23 probably going to have to make some adjustments
24 and some amendments to a lot of what we are doing
25 today.

1 But there is a lot of good in this
2 budget. And one of the things that's great is
3 finally we get a permanent property tax cap that
4 is going to significantly help every taxpayer in
5 my district, across Long Island, and across this
6 state.

7 And I'm thrilled with the increase,
8 the record increase in school aid for
9 Long Island. One of my districts, Glen Cove, a
10 city school district, has been shortchanged by
11 this chamber for years. They have a fire monitor
12 24/7 who goes around and the taxpayers pay him to
13 make sure the buildings aren't on fire. But
14 62 percent of the kids in that district receive
15 the free and reduced meals. And under these
16 formulas, for some reason, in the past they have
17 not gotten the aid that they need. Well, finally
18 that injustice is being turned around.

19 We're going to finally get an audit
20 of the MTA. We're going to try to figure out why
21 the Long Island Rail Road doesn't run on time.
22 And AIM is fully restored, regardless of what
23 anybody says in this chamber. We wanted to get
24 more, but we are in tough budget times.

25 And finally, Mr. President, I spoke

1 to some families this week who lost their
2 children in tragic limousine accidents. And one
3 of the great things we're doing today is we're
4 starting down the road to providing safety for
5 limousine drivers.

6 So, Mr. President, I vote aye.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Gaughran to be recorded in the affirmative.

9 Senator Ranzenhofer to explain his
10 vote.

11 SENATOR RANZENHOFER: Thank you,
12 Mr. President.

13 I rise to explain my vote. I will
14 be voting no, and for two primary reasons. One
15 is the criminal justice bill.

16 And the comment that I would like to
17 make on that is I heard some language earlier
18 about this was an opportunity to make some
19 changes. But with opportunity comes
20 responsibility as well. And when I hear that a
21 bill is introduced and the language for the very
22 first time is available two hours before the
23 vote, when there's no opportunity for the public
24 to chime in and have comments on this, when
25 there's no consultation with district attorneys

1 and courts -- which are the very people that are
2 involved in the criminal justice system -- I
3 don't think that the opportunity was seized
4 properly and the responsibility was exercised as
5 it should have been.

6 And what I see here is a really
7 unbalanced changing of the criminal justice
8 system where we are no longer favoring the
9 victim, but we are favoring the criminal. And
10 that is one of the reasons I'm voting no.

11 The second reason is, as you know --
12 and I think everybody has read the reports in
13 this state that we are losing population greater
14 than any other state in the entire United States.
15 So what have we done? What have we done?

16 So if you shop and you like to buy
17 your clothing or whatever online, it's now more
18 expensive, you have to pay a new tax. If you
19 happen to need groceries and want to go to the
20 grocery store and purchase groceries, you're now
21 going to have to pay money for a paper bag. If
22 you happen to have the misfortune of having to
23 have medications or pain medication, your
24 medications are now going to be more expensive
25 because you're going to be paying a tax on that.

1 If you happen to get -- if someone
2 runs into you and your car is smashed and you
3 happen to rent a car, it's now going to be more
4 expensive for you to rent that car.

5 And finally, it's now going to be
6 more expensive if you're a homeowner or a
7 business owner because with the money that we are
8 no longer giving to our counties and towns and
9 villages, we are now going to force them to raise
10 property taxes.

11 On all scores, we should be taking
12 the exact opposite direction and we should be
13 making it more affordable for people to live in
14 this state. Because we are not, because this
15 budget is going in the wrong direction, I'll be
16 voting no.

17 Thank you, Mr. President. One
18 minute, 59 seconds.

19 (Laughter.)

20 ACTING PRESIDENT BENJAMIN: Senator
21 Ranzenhofer to be recorded in the negative.

22 Senator Myrie to explain his vote.

23 SENATOR MYRIE: Thank you,
24 Mr. President.

25 I'd like to thank my colleagues for

1 their work on this budget and their work on the
2 criminal justice reform.

3 Today is a historic day, and not
4 just because we are voting on criminal justice
5 reform. But 200 years ago to the date, in 1817,
6 March 31st, this New York State Legislature voted
7 to abolish slavery in the State of New York. A
8 legislature that looked very different than how
9 it looks right now, but a legislature that was
10 faced with a question that we are still facing
11 today.

12 And that is when you stand up and
13 you pledge to that flag, to whom do the following
14 lines apply: "With liberty and justice for all"?
15 Is it liberty and justice for the rich, liberty
16 and justice for some, or is it liberty and
17 justice for all?

18 Reforming our bail system, reforming
19 discovery, and reforming speedy trial is about
20 justice. Make no mistake, there is a direct line
21 from slavery to our mass incarceration complex.
22 And just as this Legislature 200 years ago was
23 faced with the question of slavery, today we are
24 faced with the question of liberty and justice.

25 I stand proud today before you in a

1 body and a chamber that wouldn't even let me in
2 the door 200 years ago. In a body led by a woman
3 who wouldn't even be able to clean the bathrooms
4 200 years ago. Today we change the course of
5 history in the State of New York. And it is just
6 the first step.

7 So I urge my colleagues to join me
8 in voting to free our people today. Once again,
9 Mr. President, I vote aye.

10 (Applause.)

11 ACTING PRESIDENT BENJAMIN: Senator
12 Myrie to be recorded in the affirmative.

13 Senator Mayer to explain her vote.

14 SENATOR MAYER: Thank you,
15 Mr. President. I rise to support my affirmative
16 vote on this bill and to speak briefly on
17 education.

18 No, this is not a perfect bill on
19 education, as my colleagues have so aptly said.
20 And while we have made some very important policy
21 strides, we have vastly disappointed the students
22 of New York by not putting enough money on the
23 table that they are owed.

24 And I want to assure my colleagues
25 on the other side of the aisle, I think my

1 colleagues here in the Senate Democratic Majority
2 will never apologize for fighting for the
3 students of New York City, the students of
4 Yonkers, the students of Glen Cove, the students
5 of Lackawanna, the students of rural districts,
6 the students of every district in this state. We
7 do not have to apologize for fighting for the
8 money they are owed and they need to have a
9 sound, basic education. That is our
10 responsibility as legislators, that is our
11 responsibility as Senators.

12 So I am proud to fight for them to
13 put money on the table and to argue, as we will
14 be going forward, that the current Foundation Aid
15 formula does not work for enough students, does
16 not work for enough districts, that we must
17 examine it. And we are absolutely committed to
18 revisiting the way it is currently drafted to
19 ensure that a district like Yonkers doesn't have
20 a \$60 million operating deficit, to ensure that
21 the City of New York and the students there get
22 what they need, and the students throughout
23 New York.

24 We are going to proceed. I am
25 voting yes. This is a step in the right

1 direction. It is nowhere near good enough. We
2 are committed to moving ahead. And we owe it to
3 every child in New York to do better for them
4 than we did this year. This is a step in that
5 direction. Now we have work to do.

6 Thank you, Mr. President.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Mayer to be recorded in the affirmative.

9 Senator Gallivan to explain his
10 vote.

11 SENATOR GALLIVAN: Thank you,
12 Mr. President.

13 I will be voting against this bill
14 for three main reasons: Over a billion dollars
15 in new taxes; new criminal justice policies that
16 those with the professional expertise and
17 experience, our district attorneys, have called
18 unrealistic, unworkable requirements that
19 ultimately will fail the very people and
20 communities they were intended to benefit; and
21 finally, for the fact that we are giving away
22 more of our authority to the Governor when we
23 should be doing the complete opposite.

24 I vote nay.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Gallivan to be recorded in the negative.

2 Senator May to explain her vote.

3 SENATOR MAY: Thank you,
4 Mr. President.

5 I vote aye on this bill not because
6 I am proud of this bill but because I am insanely
7 proud of my colleagues and my conference and the
8 hard work, the passionate work, the brilliant
9 work that they have done to make this the best
10 criminal justice bill that we could have, the
11 best education funding we could squeeze out, the
12 best -- at least to move the dial on campaign
13 finance reform. We have a long way to go with
14 that, but I know this group will be vigilant and
15 will do the work that it takes to get the best
16 campaign finance reform that we can get.

17 The AIM funding, with apologies to
18 my colleague Senator Jordan, we restored the AIM
19 funding. I am proud of that, and I am proud that
20 my colleagues in the city were collaborative with
21 those of us upstate on working on issues like
22 that.

23 I am proud to be part of this body,
24 and I vote aye. Thank you.

25 ACTING PRESIDENT BENJAMIN: Senator

1 May to be recorded in the affirmative.

2 Senator Martinez to explain her
3 vote.

4 SENATOR MARTINEZ: Thank you,
5 Mr. President.

6 I want to begin by thanking my
7 colleagues and leadership for their hard work and
8 commitment to the constituencies that we all
9 represent and to New York as a whole.

10 I am proud that despite this very
11 difficult fiscal year, we were able to deliver a
12 record amount of school funding for our students,
13 although I am disappointed that we fell short to
14 the Senate proposal we put out two weeks ago.

15 I want to reinforce my steadfast
16 commitment to fully delivering the Foundation Aid
17 that is owed to school districts across the
18 state. But I will continue to fight for what is
19 rightfully theirs without shortchanging others.

20 While I am proud to have lowered the
21 burden on taxpayers by enacting a permanent tax
22 cap, I also look forward to working with my
23 colleagues to further address education funding
24 and make sure we are adequately preparing the
25 next generation of New Yorkers to lead.

1 In order for local governments to
2 remain within the property tax cap, we must
3 protect our local governments and provide
4 adequate resources. That is why I am also deeply
5 disappointed that the restoration of AIM funding
6 for towns and villages is linked to internet
7 sales taxes, as this is not a true restoration.
8 All levels of government are hurting, and
9 counties should not be forced to forego the
10 revenues they so desperately need in order to
11 operate at the high standards that they have.

12 As for the congestion pricing plan,
13 I am pleased that this initiative ensures that
14 there will be a dedicated revenue stream for
15 Long Island. If the people of Long Island are
16 shouldering the cost of the repairs to the MTA,
17 it is only right that Long Islanders receive
18 reliable service on safe, comfortable equipment.

19 Furthermore, this budget increases
20 funding for Suffolk County buses by over
21 7 percent, a vital and necessary transportation
22 for Suffolk County residents. Although this
23 increase also falls short of what the county
24 needs, at least it's a step in the right
25 direction.

1 I am proud of our conference's
2 commitment to creating a more fair criminal
3 justice system, but we can't ignore the
4 devastating effects of crime on our families and
5 our communities. We must hold perpetrators of
6 violent crimes accountable for their actions. We
7 must take into consideration the concerns of our
8 law enforcement officials and those who protect
9 us. It will be the residents of my district,
10 living in communities that are already
11 struggling --

12 ACTING PRESIDENT BENJAMIN: Senator
13 Martinez, how do you vote?

14 SENATOR MARTINEZ: -- who will be
15 most victimized by crimes often committed by very
16 dangerous individuals.

17 If I just may, Mr. President, the
18 one thing that I am disappointed with the
19 criminal justice is that --

20 ACTING PRESIDENT BENJAMIN:
21 Senator -- Senator Martinez, how do you vote?

22 SENATOR MARTINEZ: Well, I am going
23 to vote ...

24 ACTING PRESIDENT BENJAMIN: You're
25 going to vote?

1 SENATOR MARTINEZ: ... in the
2 affirmative.

3 (Laughter.)

4 ACTING PRESIDENT BENJAMIN: Senator
5 Martinez to be recorded in the affirmative.

6 SENATOR MARTINEZ: But if somebody
7 else wants to give up their time, I'll take their
8 time to finish my vote.

9 (Laughter.)

10 ACTING PRESIDENT BENJAMIN:
11 Understood. Thank you, Senator Martinez.

12 Senator Lanza to explain his vote.

13 SENATOR LANZA: Thank you,
14 Mr. President.

15 First I listened to Senator Jackson
16 explain his vote. I just want to say amen. I
17 know him 20 years. He's been relentless in his
18 fight for educational opportunities for children.
19 Thank you.

20 And I also want to say,
21 Mr. President, no one in this chamber should ever
22 misinterpret anything I say as a questioning of
23 Senator Bailey's dedication and motives. It's a
24 privilege, a personal privilege, to work with
25 him. I think he did a yeoman's job with respect

1 to speedy trial and really struck a good
2 compromise there.

3 But I have grave concerns, as I've
4 discussed, with respect to the bail reform. you
5 know, calling something reform doesn't make it
6 reform. The definition of reform is to improve,
7 and I don't think this does this.

8 And in explaining my no vote, I just
9 want to say this. "While most New Yorkers were
10 sleeping and enjoying the weekend, a handful of
11 lawmakers with limited knowledge of the criminal
12 justice system, behind closed doors, came to an
13 agreement that will place unnecessary burdens on
14 the workings of our criminal justice system and
15 actually slow down the wheels of justice. Our
16 hope was that our lawmakers would heed some of
17 the suggestions by prosecutors concerning the
18 procedure involved in the bills related to bail,
19 discovery, and speedy trial. Instead, they have
20 set up unrealistic, unworkable requirements that
21 will ultimately fail the very people and
22 communities they were intended to benefit."

23 That was the statement from the
24 president of the New York State District
25 Attorneys Association, a Democrat, Albany County

1 District Attorney David Soares. And that
2 explains my no vote better than anything I could
3 say. I vote no.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Lanza to be recorded in the negative.

6 Senator LaValle to explain his vote.

7 SENATOR LaVALLE: Thank you,
8 Mr. President.

9 Today is a big day. State aid runs
10 came out. People were scurrying around to get
11 ahold of them. I had to fight my staff to get a
12 copy.

13 Just think, hundreds and hundreds of
14 people have worked on this formula, worked on
15 these computer runs that are before us. I
16 actually am looking -- I see Senator Stavisky,
17 and at one time she knew me as the director of
18 the Senate Education Committee. So I'm looking
19 at some of the results here, and I'm very
20 saddened by some middle-income districts have
21 fallen short of getting an acceptable aid number.

22 And so believe it or not, people
23 that put this together -- teachers, school
24 administrators, superintendents, board members, a
25 lot of people. And people in the State Education

1 Department. When we look at the results, many of
2 us are scratching our heads and saying how could
3 this be? We're spending a lot of money and yet
4 districts are falling short.

5 This is probably one of the most
6 important things that we do, giving an allocation
7 of money that is acceptable and giving it to our
8 local school districts to support the students in
9 our state, the teachers and administrators. And
10 this proposal falls far short of where it should
11 be.

12 I vote in the negative.

13 ACTING PRESIDENT BENJAMIN: Senator
14 LaValle to be recorded in the negative.

15 Senator Salazar to explain her vote.

16 SENATOR SALAZAR: Thank you.

17 There are components of this bill
18 that I fully support and I've advocated for, and
19 that I know will have a positive impact on the
20 lives of New Yorkers. The progress that this
21 final budget offers on criminal legal reforms is
22 a victory even if it's incomplete, and one that
23 should be celebrated.

24 By passing these reforms together,
25 we're decisively taking measures to lower the

1 obscenely high incarceration rate in New York.
2 I'm proud that we're taking this step toward
3 acknowledging that there is no justification for
4 holding someone on the basis of whether or not
5 they can afford to buy their pretrial freedom.

6 On discovery reform, we know that
7 the process is currently biased against
8 defendants. Imagine if you had to make a
9 profoundly consequential decision but the
10 information you need to make that decision is
11 withheld from you until the date of trial or
12 until the eleventh hour.

13 Despite many progressive actions
14 taken in this budget, there are also omissions
15 and additions in the revenue bill that I find
16 completely inexcusable. I find it completely
17 inexcusable that the pied-à-terre tax on
18 non-primary residences that would have generated
19 over \$600 million per year in revenue is
20 ultimately excluded -- not because it was
21 unpopular in the Legislature or among our
22 constituents, but because it was killed by
23 powerful real estate interests.

24 I find it inexcusable that we are
25 unable to follow through on a commitment to real

1 public campaign finance that would make our
2 electoral process more accessible to New Yorkers,
3 that would incentivize candidates to be
4 accountable --

5 ACTING PRESIDENT BENJAMIN: Senator
6 Salazar, how do you vote? Senator Salazar, how
7 do you vote?

8 SENATOR SALAZAR: I -- okay.

9 ACTING PRESIDENT BENJAMIN: Please.

10 SENATOR SALAZAR: Just let me wrap
11 up. Because it was one minute.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Salazar, we are -- we're out of time. Please,
14 how do you vote?

15 SENATOR SALAZAR: I reluctantly
16 vote yes, because I know that our conference is
17 stronger --

18 ACTING PRESIDENT BENJAMIN: Senator
19 Salazar to be recorded in the affirmative.

20 I'm sorry.

21 Senator Helming to explain her vote.

22 SENATOR HELMING: Thank you,
23 Mr. President.

24 I will quickly just say that I rise
25 today on behalf of the rural residents of New

1 York State. I've heard some great conversations
2 today, I've heard talk about liberty and justice
3 for all, talk about initiatives that will save
4 lives.

5 I just want to remind everyone of so
6 many things that have been cut from this budget
7 that could help save lives, that could help
8 improve the quality of lives for the rural
9 residents living primarily in upstate New York.

10 Every single penny to critical
11 access hospitals has been cut. Every single
12 penny to the veterans Warrior Salute program has
13 been cut. Every single penny to the Finger Lakes
14 law enforcement emergency services has been cut.
15 The breast cancer funding has been cut in half.
16 Lyme funding has totally been eviscerated from
17 this budget. There are so many programs, so many
18 decisions that were made that I totally disagree
19 with.

20 And again, when you talk about
21 liberty and justice for all, I remind you to
22 think about our poor rural communities. They
23 need your support and your help as well.

24 I'll be voting no for these reasons
25 and so many more. Thank you, Mr. President.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Helming to be recorded in the negative.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar Number 363, those Senators voting in the
6 negative are Senators Akshar, Amedore, Antonacci,
7 Boyle, Felder, Flanagan, Funke, Gallivan, Griffio,
8 Helming, Jacobs, Jordan, Lanza, LaValle, Little,
9 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
10 Serino, Seward and Tedisco.

11 Ayes, 39. Nays, 23.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 Senator Gianaris.

15 SENATOR GIANARIS: Mr. President,
16 first let me explain to my colleagues, as it is
17 now 11:57 and we're trying to get the next bill
18 passed by midnight -- the Assembly has just
19 passed it and it is being run over here for a
20 substitution. But everyone who wants to explain
21 their vote on this bill or the subject in this
22 bill will be permitted to have their say on one
23 of the bills that's coming down the road. We are
24 just trying to get the next bill passed before
25 the clock strikes 12.

1 And so let me apologize to my
2 colleagues for the strict enforcement of the
3 two-minute rule. But anyone that wishes to speak
4 on any subject in this bill will have the
5 opportunity to do so at some point in a short
6 while.

7 So if we could please stand at ease
8 while we wait for the substitution to come over
9 from the Assembly.

10 ACTING PRESIDENT BENJAMIN: The
11 Senate will stand at ease.

12 (Whereupon, the Senate stood at ease
13 at 11:58 p.m.)

14 (Whereupon, the Senate reconvened at
15 11:59 p.m.)

16 ACTING PRESIDENT BENJAMIN: Senator
17 Gianaris.

18 SENATOR GIANARIS: Mr. President,
19 we had earlier laid aside temporarily
20 Calendar 361. Can we please take that up
21 noncontroversial.

22 ACTING PRESIDENT BENJAMIN: There
23 is a substitution at the desk.

24 The Secretary will read.

25 THE SECRETARY: Senator Krueger

1 moves to discharge, from the Committee on
2 Finance, Assembly Bill Number 2000D and
3 substitute it for the identical Senate Bill
4 1500D, Third Reading Calendar 361.

5 ACTING PRESIDENT BENJAMIN: The
6 substitution is so ordered.

7 Read the last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect immediately.

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Announce the results.

15 THE SECRETARY: Ayes, 40. Nays,
16 22.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 Senator Gianaris.

20 SENATOR GIANARIS: Mr. President,
21 as it is now 11:59 --

22 (Laughter.)

23 SENATOR GIANARIS: -- I move,
24 pursuant to Rule 5, Section 2, that we remain in
25 session past midnight.

1 ACTING PRESIDENT BENJAMIN: Without
2 objection, so ordered.

3 SENATOR GIANARIS: Mr. President, I
4 believe we had earlier laid aside temporarily
5 Calendar 355. Can we please take that bill up.

6 ACTING PRESIDENT BENJAMIN: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 355, Senate Budget Bill, Senate Print 1503D, an
10 act making appropriations for the support of
11 government.

12 SENATOR GRIFFO: Lay it aside.

13 ACTING PRESIDENT BENJAMIN: Lay it
14 aside.

15 SENATOR GIANARIS: Mr. President,
16 first of all, is there a message of necessity at
17 the desk on this bill?

18 ACTING PRESIDENT BENJAMIN: There
19 is a message of necessity at the desk.

20 SENATOR GIANARIS: I move to accept
21 the message.

22 ACTING PRESIDENT BENJAMIN: All in
23 favor of accepting the message of necessity
24 signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT BENJAMIN:

2 Opposed?

3 (Response of "Nay.")

4 ACTING PRESIDENT BENJAMIN: The
5 message is accepted and the bill is before the
6 house.

7 Senator Griffo.

8 SENATOR GRIFFO: Please recognize
9 Senator Ortt.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Ortt.

12 SENATOR ORTT: Thank you,
13 Mr. President.

14 I would like to ask some questions
15 regarding the agriculture and markets aspect of
16 this bill.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Gianaris.

19 SENATOR GIANARIS: Senator Krueger.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Krueger, would you yield for questions?

22 SENATOR KRUEGER: Yes, I will.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR ORTT: Through you,

1 Mr. President. Would the sponsor care to tell me
2 the difference in this bill as it relates to Ag
3 and Markets in spending between the enacted
4 budget and the Senate one-house budget? What's
5 the dollar difference?

6 SENATOR KRUEGER: We're looking for
7 the Senate one-house. Senator Ortt, since the
8 hour is late, do you actually know the answer?

9 SENATOR ORTT: I don't. Not
10 between the one-house and this bill.

11 SENATOR KRUEGER: You don't know
12 the answer for the one-house.

13 SENATOR ORTT: No.

14 SENATOR KRUEGER: Okay.

15 SENATOR ORTT: I wouldn't ask a
16 question I knew the answer to, Senator Krueger.

17 SENATOR KRUEGER: Sometimes people
18 ask questions because they know the answer.

19 SENATOR ORTT: Sometimes certain
20 people do.

21 (Laughter.)

22 SENATOR KRUEGER: But you didn't
23 either. All right, fine.

24 SENATOR ORTT: Through you,
25 Mr. President, we can always continue the churn.

1 SENATOR KRUEGER: Would you like to
2 ask a different question while I will get you
3 that answer?

4 SENATOR ORTT: Yes. Yes, I would.
5 If the sponsor would yield.

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR KRUEGER: Yes, I do.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR KRUEGER: I was hoping he
12 would ask and answer it himself, but that wasn't
13 going to work.

14 (Laughter.)

15 SENATOR ORTT: Through you,
16 Mr. President, in the Ag and Markets section of
17 this bill we're spending \$1.2 million less. Can
18 the sponsor tell me where that \$1.2 million comes
19 from and how those programs were selected or not
20 selected? The ones that were not funded.

21 SENATOR KRUEGER: I'm sorry, we had
22 a little trouble hearing him over here. Could we
23 ask him to speak louder?

24 ACTING PRESIDENT BENJAMIN: Order
25 in the chamber, please. Order in the chamber.

1 Senator Ortt, can you --

2 SENATOR ORTT: Mr. President, the
3 enacted budget as proposed in this bill as
4 relates to Agriculture and Markets spends
5 \$1.2 million less than in last year's enacted
6 budget. I'm curious as to -- that \$1.2 million
7 came from either cuts to programs or the
8 reduction in programs. How were those programs
9 decided that were cut or that were reduced?

10 SENATOR KRUEGER: Through you,
11 Mr. President. I now can answer the first
12 question and the later question.

13 So in our one-house we had
14 \$37.848 million for agriculture, and in our
15 enacted budget it is \$34.215 million. We would
16 have loved to have our one-house budget fully
17 funded, but we did not have the revenue to do so.

18 So we're actually showing that this
19 year's budget, enacted, will be \$972,000 less
20 than last year. I believe you said 1.1 million,
21 so we might be disagreeing over 200,000.

22 SENATOR ORTT: Through you,
23 Mr. President, we had -- I was showing
24 1.2 million less than last year's enacted, but
25 certainly I'm guessing at this late hour we

1 can -- what's 300,000 between colleagues, right?

2 (Laughter.)

3 SENATOR ORTT: Through you,
4 Mr. President, will the sponsor continue to
5 yield?

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR ORTT: Can the sponsor tell
12 me how many programs have been cut from last
13 year's budget, agriculture programs?

14 SENATOR KRUEGER: Did you ask how
15 many are funded or how many are not funded?

16 SENATOR ORTT: How many were
17 removed, how many programs were removed out of
18 this year's budget?

19 SENATOR KRUEGER: We did not have
20 funds for 11 local programs.

21 SENATOR ORTT: Through you,
22 Mr. President. I don't know if it will be -- the
23 sponsor will continue to be -- I wanted to ask a
24 few questions regarding -- or actually, you know
25 what, on the bill.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Ortt on the bill.

3 SENATOR KRUEGER: I just want to
4 clarify, we did continue funding for 66 programs.
5 We were not able to fund 11. Thank you.

6 SENATOR ORTT: On the bill,
7 Mr. President. I want to thank the sponsor for
8 her answers.

9 You know, I guess on the whole
10 agriculture probably came out better than maybe I
11 would have thought going into this budget,
12 especially when you consider many of the farms
13 and the programs are in districts not represented
14 by the Majority.

15 But there were a number of programs
16 that were cut. And again, when you look at where
17 we have placed money in this budget, whether it's
18 900,000 or 1.2, clearly the money was there for
19 those programs but we chose to spend it
20 elsewhere. And I think for the return on
21 investment, I think everyone would agree here the
22 ROI that we get through many of these programs
23 for our farms, our farmers, to provide food not
24 just in my district but in cities, in food
25 deserts -- agriculture is our largest industry,

1 and the amount that -- the little amount of money
2 we spend in that sector compared to other sectors
3 which I have highlighted, along with some of my
4 colleagues, we get a pretty good bang for our
5 buck.

6 The last thing I want to make a note
7 of on the veterans spending, I could not help but
8 notice there were some cuts to some of our
9 veterans programs. One of them was the \$50,000
10 reduction in the Vietnam Veterans of America
11 program. I just thought it was ironic that just
12 a couple of days ago we had some Vietnam veterans
13 here in this chamber and we welcomed them home
14 and we said thank you, and it was a great day.
15 It really was. But today we followed that up
16 with a cut of 50,000 to that organization --
17 50,000. I find that very disappointing,
18 Mr. President.

19 For those reasons, I'll be in the
20 negative.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Ortt to be recorded in the negative.

23 Senator Gianaris.

24 SENATOR GIANARIS: Mr. President,
25 by unanimous consent, I ask that the bill be

1 restored to the noncontroversial calendar.

2 ACTING PRESIDENT BENJAMIN: Without
3 objection, so ordered.

4 SENATOR GIANARIS: Mr. President,
5 once again we're going to stand at ease while we
6 wait for the Assembly substitution.

7 ACTING PRESIDENT BENJAMIN: The
8 Senate will stand at ease.

9 (Whereupon, the Senate stood at ease
10 at 12:11 a.m.)

11 (Whereupon, the Senate reconvened at
12 12:12 a.m.)

13 ACTING PRESIDENT BENJAMIN: The
14 Senate will return to order.

15 There is a substitution at the desk.

16 The Secretary will read.

17 THE SECRETARY: Senator Krueger
18 moves to discharge, from the Committee on
19 Finance, Assembly Bill 2003D and substitute it
20 for the identical Senate Bill 1503D, Third
21 Reading Calendar 355.

22 ACTING PRESIDENT BENJAMIN:
23 Substitution so ordered.

24 Read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:
6 Announce the results.

7 THE SECRETARY: Ayes, 40. Nays,
8 22.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 Senator Gianaris.

12 SENATOR GIANARIS: Can we now take
13 up Calendar 356, which was earlier laid aside
14 temporarily.

15 ACTING PRESIDENT BENJAMIN: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 356, Senate Budget Bill, Senate Print 1504D, an
19 act making appropriations for the support of
20 government.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Gianaris.

23 SENATOR GIANARIS: Mr. President,
24 by unanimous consent we're going to proceed to
25 debate this bill while we await the message from

1 the Governor, similar to what we did earlier with
2 the health budget bill. And so let us proceed
3 with debate on Calendar 356.

4 ACTING PRESIDENT BENJAMIN: Without
5 objection, so ordered.

6 Senator Tedisco.

7 SENATOR TEDISCO: Thank you,
8 Mr. President.

9 I'm not going to be talking about
10 the bill because they've given me the opportunity
11 to talk about education, I believe.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Tedisco, are you on the bill or are you asking a
14 question?

15 SENATOR TEDISCO: I'll tell you
16 when I'm asking a question.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Tedisco on the bill.

19 SENATOR TEDISCO: I want to talk
20 about education. As you know, I was in the
21 Assembly for many years and I was an educator for
22 many years before that. And because I was an
23 educator, I understand the importance of children
24 and I understand the importance of education in
25 children's lives. So as an Assemblyperson, I

1 always supported full Foundation Aid. When I got
2 over to the Senate, I supported full Foundation
3 Aid here.

4 But even when I supported full
5 Foundation Aid, the Republicans were the ones --
6 this majority of Republicans at that time were
7 responsible for holding up enhanced Foundation
8 Aid, full Foundation -- oh, they protested.
9 Every day there was a protest out in the hall, in
10 front of offices, went to people's homes.
11 Educational advocates.

12 And I realize all my colleagues on
13 the other side of the aisle who support full
14 Foundation Aid campaigned last year. You're
15 going to have the resolve. Fight, fight, fight,
16 fight, fight. If I heard fight once, I heard
17 fight enough if I got a quarter for every time
18 you said it when you were talking about that,
19 that we could have full Foundation Aid.

20 And then you apologize -- it was
21 like true confessions. I'm not going to
22 apologize for fighting for full Foundation. You
23 don't have to apologize for fighting for full
24 Foundation. What you have to apologize is not
25 even close to achieving it -- not even close to

1 achieving what you told your constituents you
2 were going to achieve.

3 If you call that fighting, I call it
4 folding like a cheap suit. What you found out is
5 that that guy on the second floor isn't quite as
6 easy as you thought he was to work with. Like
7 you were going to stroll in here and get
8 1.6 billion or 2.8 billion. You know what you
9 got? Six hundred eighteen million, the same
10 amount these Republicans got last year.

11 So you've got a lot of atonement to
12 do when you go back to those advocates who were
13 in the streets, on the buses, had millions of
14 dollars going into your campaigns because you
15 were going to get full Foundation Aid. You
16 didn't even come close. You didn't even come
17 close.

18 And now, what I hear you saying is
19 kind of trying to say, boy, I fought for -- I
20 really fought for that aid. I'm going to fight
21 for it again next year. But this is your year.
22 You were going to do all those things you said
23 you were going to do during the campaign. You
24 were going to get all that money for our kids.

25 And I agree with you, I want more

1 Foundation Aid. I wanted more Foundation Aid
2 last year when they marched in front of us and
3 marched in the halls.

4 But something's awry here, because I
5 didn't hear all that marching this year. I
6 didn't hear the steps being full of educational
7 advocates saying "I want that money." And I'm
8 wondering why. I'm wondering if they really want
9 the funding for education for kids or they have
10 another agenda which maybe relates to something
11 political. And politics shouldn't be involved
12 with our kids who need a great education.

13 So you can stand up here and say
14 fight, fight, fight, fight, and I'm going to
15 continue to fight, but I think your constituents
16 want you to fulfill your promise. Because it
17 really wasn't those bad Republicans last year,
18 was it, who held up the Foundation Aid. Because
19 I have to guess it's you this year who held up
20 the Foundation Aid, because you got the same
21 amount we got last year.

22 So I think you've got some answering
23 to do, and you might want to take a little
24 vacation before you go home to your constituents
25 after this session. Because those progressives,

1 that's really important for their agenda. And
2 Mr. Sanders knows that, he's a big supporter.
3 Jackson, excuse me. Sanders is over there,
4 that's --

5 (Reaction from members.)

6 SENATOR TEDISCO: You know what I
7 understand? You both love education. You have
8 that in common.

9 But as much as you fought this year,
10 really what did you accomplish more than the
11 Republicans last year, \$618 million?

12 So you see, it's always easier -- I
13 don't know, the Governor says that you can
14 promise and then you've got to deliver, or
15 govern. Okay? And now it's your turn to govern.
16 And now it's your turn to really accomplish what
17 you told those advocates for education, those
18 kids in school, those kids at the poverty level
19 that you said you'd get that money for. You
20 didn't get it this year. You didn't work hard
21 enough. Okay? And you didn't really fight for
22 it the way you should have fought for it. And I
23 guess you have to explain that to your
24 constituents, because you didn't do any better
25 than we did last time.

1 Thank you, Mr. President.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Amedore.

4 SENATOR AMEDORE: Thank you,
5 Mr. President. Will the sponsor yield for a
6 couple of questions? Senator Krueger.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Krueger, do you yield?

9 SENATOR KRUEGER: I do.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR AMEDORE: Thank you,
13 Senator Krueger.

14 I've got a few more questions going
15 back to the issue of heroin and opiate funding,
16 because we all know it's very important.

17 SENATOR KRUEGER: I'm sorry, you
18 know -- I apologize, Mr. President. And I think
19 because I have a head cold, I'm not hearing as
20 well. Could you repeat that, please?

21 SENATOR AMEDORE: I want to ask a
22 couple of questions regarding heroin and opiate
23 funding, okay?

24 SENATOR KRUEGER: Oh.

25 SENATOR AMEDORE: So,

1 Mr. President, will the sponsor yield?

2 SENATOR KRUEGER: Yes, I do.

3 ACTING PRESIDENT BENJAMIN: The
4 sponsor yields.

5 SENATOR AMEDORE: You know, the
6 Governor's proposal allocated \$211 million in
7 funding to fight the heroin opiate crisis.

8 Can the sponsor, Mr. President, tell
9 me how much funding is actually in this budget to
10 combat this epidemic?

11 SENATOR KRUEGER: Just a moment.
12 We need to go looking. It's getting late and
13 everyone's getting tired.

14 SENATOR AMEDORE: Take your time.

15 SENATOR KRUEGER: Would you like to
16 ask a second question while we get you the answer
17 to the first?

18 SENATOR AMEDORE: Sure. The second
19 question -- Mr. President, through you -- how
20 much of that funding, if there was any new
21 funding or additional funding, is new funding?

22 SENATOR KRUEGER: I suspect I'll
23 need to get the first answer before I can give
24 you the second answer.

25 Would you like to discuss another

1 topic until I can get this one --

2 SENATOR AMEDORE: Sure, I'll keep
3 going. Through you, Mr. President.

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR KRUEGER: Yes, I will.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AMEDORE: We all know that
10 the Senate one-house budget included an extra
11 15 million for new prevention, treatment and
12 recovery services. Is this funding included in
13 this final budget?

14 SENATOR KRUEGER: Through you,
15 Mr. President, no. An additional 15 million is
16 not included.

17 And actually if we had been able to
18 continue our efforts to put legalization of
19 marijuana into the budget, there would have been
20 a new funding stream for drug treatment and drug
21 prevention. But alas, we did not get there this
22 year.

23 And I hope that we will, because the
24 commitment is to use a certain percentage of
25 revenue from adult-use legalized marijuana to

1 deal with drug treatment and education against
2 drug abuse.

3 So we do not have the 15 million.
4 That is one of the things that fell out between
5 our hopes and dreams and this final budget.

6 SENATOR AMEDORE: Through you,
7 Mr. President. Would the sponsor continue to
8 yield?

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR KRUEGER: I do. But I
12 think I might have the question going backwards,
13 if that's all right.

14 SENATOR AMEDORE: Sure.

15 SENATOR KRUEGER: Through you,
16 Mr. President, we believe that the investment in
17 community treatment for drug abuse went up
18 5.155 million. So in fiscal year -- so it went
19 from 500 -- I'm sorry, so this enacted budget
20 would go up to 579.206 million. So an increase
21 of 5.155 million, rather than the 15 million we
22 hoped for.

23 SENATOR AMEDORE: Mr. President,
24 can she give me the answer --

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR KRUEGER: Yes, I do.

3 SENATOR AMEDORE: -- again, so I
4 understand? Because I didn't understand that
5 answer. Sorry, Senator Krueger.

6 SENATOR KRUEGER: So I believe that
7 your previous question was how much money was in
8 the budget for treatment services and how did
9 that differ from last year. Am I just not
10 hearing right?

11 SENATOR AMEDORE: Mr. President,
12 may I -- so the Governor's proposal allocated
13 \$211 million in funding to fight the heroin
14 crisis. My question to you was, can you tell me
15 how much funding is actually in this year's
16 budget? Is it the same as the Governor's
17 proposal? Did the Majority increase from the
18 Governor's proposal or did they decrease from the
19 Governor's proposal?

20 SENATOR KRUEGER: All right. So
21 I'm not sure how the Governor counts money within
22 OASAS for dealing with the opioid crisis, as
23 opposed to the entire OASAS community treatment
24 program budget. But the budget did go up
25 5.155 million from the year before.

1 Because I believe that the Governor,
2 in defining a \$211 million share of the budget,
3 was perhaps choosing select things within the
4 OASAS budget to count as specific to the opioid
5 crisis, as opposed to all other drug problems.
6 But I'm not sure what he meant.

7 SENATOR AMEDORE: Through you,
8 Mr. President, will the sponsor continue to
9 yield?

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR AMEDORE: The Senate also
16 had a one-house budget that contains an extra
17 \$10 million over the Governor's \$90 million for
18 expansion of heroin and opiate support services.
19 Was that included in this budget?

20 SENATOR KRUEGER: Okay. Through
21 you, Mr. President, that 10 million was for
22 capital funds. And we still have not done a
23 capital-funds budget bill this year. There is an
24 expectation that we may be doing a capital-funds
25 appropriation bill at some point not tonight.

1 And so there is still the possibility that
2 10 million, which was capital for community
3 residential -- opioid residential programs.

4 SENATOR AMEDORE: Through you,
5 Mr. President, would that be included in this
6 budget?

7 SENATOR KRUEGER: No, because we do
8 not have a -- so this capital budget bill is the
9 30-day amendments capital budget bill. And what
10 we are expecting to see at a later date is a
11 supplemental capital budget bill. So that
12 \$10 million could still end up being made
13 available for capital for residential substance
14 abuse in the supplemental capital budget, which
15 we do not have yet.

16 SENATOR AMEDORE: Through you,
17 Mr. President, will the sponsor continue to
18 yield?

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR KRUEGER: Yes, I do.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR AMEDORE: I would take that
25 as a no answer. But maybe in the supplemental or

1 amended capital bill that comes up in a few days,
2 a few weeks --

3 SENATOR KRUEGER: Correct. It is
4 not in this -- that is right, Senator.

5 SENATOR AMEDORE: Whenever it
6 comes.

7 SENATOR KRUEGER: Yes. It is not
8 in this budget bill. And there is still an
9 expectation of a supplemental capital budget
10 bill.

11 SENATOR AMEDORE: Senator, is there
12 any funding for suicide prevention programs in
13 this budget?

14 SENATOR KRUEGER: We think that
15 that funding would be in an OMH budget. But we
16 don't necessarily have the lines to look for
17 right now. I think it would probably be through
18 different community programs.

19 I know in the City of New York we
20 have a specific suicide hotline and other
21 programs, and there's likely some kind of
22 parallel for other counties. But at this moment
23 I can't pull it out for you. It would not be in
24 this budget bill, because I don't believe suicide
25 services are defined as capital items.

1 SENATOR AMEDORE: Through you,
2 Mr. President, if the sponsor would continue to
3 yield.

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR KRUEGER: I do.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AMEDORE: I do believe that
10 that would have been in the Aid to Localities.
11 And I'm having a hard time finding it myself. As
12 you know as well as I know, and all of our
13 colleagues here know, that if there's any one
14 thing that we're facing, not only is it the
15 epidemic of addiction, but the suicide rates
16 continue to skyrocket. And mental health issues
17 that we face in our schools, and the counseling
18 and the programs that are needed -- that's why I
19 asked, because this is critically important. And
20 we have fought very hard for many years to make
21 sure that we continue to either have services,
22 have a hotline, fund special programs that would
23 allow the help and the counseling, particularly
24 to our young people that are struggling with
25 their identity and contemplating ending their

1 lives.

2 My next question to you, Senator
3 Krueger, would be the crisis intervention teams.
4 I did notice some funding in the budget for this,
5 but I didn't see where or how the money was going
6 to be appropriated. Do you have some information
7 on that for us?

8 SENATOR KRUEGER: My understanding
9 is the funding for crisis intervention teams
10 would be the same as in past years, where it's a
11 formula evaluation going out to the counties.

12 SENATOR AMEDORE: Through you,
13 Mr. President. Would that be expanding through
14 all the counties, just some counties, downstate,
15 upstate?

16 SENATOR KRUEGER: Through you,
17 Mr. President. My understanding is that they
18 look at where the need is and they target the
19 funding to highest priority areas per year. But
20 it is not a determination that's made by the
21 Legislature. The funding is provided by the
22 Legislature.

23 We can have input, I just learned,
24 into that. So yes, we can have input.

25 SENATOR AMEDORE: Through you,

1 Mr. President, one last question.

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield? Does the sponsor yield?

4 SENATOR KRUEGER: Yes, I will.

5 ACTING PRESIDENT BENJAMIN: The
6 sponsor yields.

7 SENATOR AMEDORE: Thank you,
8 Senator Krueger.

9 And you're correct, there is some,
10 or direction of. And I believe that this body
11 should have some say as to where the
12 appropriations are needed, because we would have
13 a very good understanding as to the needs in all
14 of our communities and counties.

15 My last question to you, Senator
16 Krueger, is the Sources of Strength program. Is
17 there any funding for that specific program,
18 which deals with, again, suicide prevention?

19 SENATOR KRUEGER: I don't believe
20 so. I have not heard of that program myself
21 personally. But I don't -- we're looking, but we
22 don't think there's a specific line, unless you
23 know that the Department of Mental Health
24 contracts with said agency.

25 I am receiving more information.

1 Through you, Mr. President, if I
2 might ask a question to clarify.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Amedore, will you yield for a question?

5 SENATOR AMEDORE: Yes.

6 SENATOR KRUEGER: So is that a
7 specific not-for-profit organization?

8 SENATOR AMEDORE: No, it's actually
9 a -- through you, Mr. President, it's actually a
10 program that works through the local school
11 districts. So that's why I asked.

12 SENATOR KRUEGER: So that it's
13 possible -- through you, Mr. President -- that
14 the local school districts might be funding in
15 program in some way. Or that there might be some
16 kind of contract between mental health -- the
17 Office of Mental Health Services and individual
18 school districts. I'm not familiar with that
19 program.

20 SENATOR AMEDORE: Thank you,
21 Mr. President.

22 I appreciate the answers and the
23 information. So thank you, Senator Krueger. I
24 have no further questions.

25 ACTING PRESIDENT BENJAMIN: Okay.

1 Senator Seward.

2 SENATOR SEWARD: Thank you,
3 Mr. President.

4 I would ask if Senator Krueger would
5 yield for some questions.

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield, Senator Krueger?

8 SENATOR KRUEGER: Senator Seward.
9 Hello, Mr. President.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR SEWARD: Through you,
13 Mr. President. Earlier today, or was it
14 yesterday, we finally received a financial plan.
15 And I know you all have been looking forward to
16 this discussion at this hour in particular.

17 But this is critically important
18 because as the budget that's being enacted, the
19 financial plan really does outline where the
20 revenues are coming from, how it's funded, as
21 well as the level of funding for various
22 programs.

23 And I'm very pleased that we finally
24 got the financial plan because Section 54,
25 subdivision 2, paragraph B clearly states that

1 before voting on an appropriation bill and
2 related legislation, each house is required to
3 place on the desks of its members a report
4 relating to each bill. So better late than
5 never.

6 And I just wanted to ask a few
7 questions regarding this financial plan. Just
8 recapping what I understood you to say earlier
9 when we began a discussion on this which we
10 terminated, was that there was \$975 million in
11 adds, 200 million in other actions, 733 million
12 in offsets and reestimates, and 300 million in
13 adjustments to pension prepayments. Now, that is
14 what I understood you to say earlier today.

15 Now, your financial plan indicates
16 that on the State Operating Funds basis, using
17 the Governor's 30-day-amendments budget as a
18 baseline, that the combined state and local
19 disbursements increased by 723 million, with 491
20 million in offsets to general state charges, none
21 of which are reflected in the State Operations
22 bill copy.

23 Can you walk us through this
24 491 million? And which number is accurate in
25 terms of the increase in spending?

1 SENATOR KRUEGER: So you're right,
2 I think it was yesterday morning. So we did put
3 a report -- you did have the report on the full
4 changes in the budget as of the first Finance
5 Committee meeting this morning, just for the
6 record, and you got the financial plan later in
7 the day.

8 And when you asked me questions
9 fairly early today -- yesterday morning, I gave
10 you the general numbers we had at the time. They
11 were revised for our financial plan, so the
12 financial plan we gave you was actually the more
13 accurate final version based on the completion of
14 all of the budget items.

15 Ironically, when we gave you the
16 preliminary review this morning, not all the
17 budget bills had been completed, and so we could
18 only go as far as we could.

19 So the \$491 million in general state
20 charges is in fact the correct number, not the --
21 what was the number we gave earlier today? So,
22 I'm sorry, so -- let's try again.

23 Why don't you ask me questions based
24 on the financial plan, and I will try to answer
25 that. But I will agree that the earlier numbers

1 I gave you this morning were based on drafts from
2 DOB that were then later updated when we got you
3 the full financial plan.

4 SENATOR SEWARD: If Senator Krueger
5 would continue to yield.

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR SEWARD: That's fine, I'm
12 very happy to discuss the financial plan that has
13 been before us at this time.

14 So I wanted to return to that
15 491 million in so-called offsets. Just what does
16 that number represent?

17 SENATOR KRUEGER: So this is a
18 change in the pension prepayment schedule. It's
19 a savings in the financial plan because the
20 Governor agreed to make this change in the
21 pension prepayments in the final budget.

22 SENATOR SEWARD: If Senator Krueger
23 would continue to yield.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR SEWARD: Were there any
5 actual spending cuts compared to the Governor's
6 original Executive Budget and this budget that's
7 before us this evening? Are there any actual
8 spending cuts?

9 SENATOR KRUEGER: No.

10 SENATOR SEWARD: There were not.

11 SENATOR KRUEGER: No.

12 SENATOR SEWARD: If Senator Krueger
13 would continue to yield.

14 ACTING PRESIDENT BENJAMIN: Does
15 the sponsor yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR SEWARD: According to the
20 30-day amendments and the budget, the updated
21 Executive Budget related to that, there was
22 \$190 million in possible growth before reaching
23 the 2 percent cap, with a total spending amount
24 of at least 723 million above the Executive and
25 what happen appears to be, as you stated, no

1 cuts.

2 How can you say that we are still
3 within the 2 percent State Operating Funds
4 spending cap?

5 SENATOR KRUEGER: So in addition to
6 the reduction of 491 because of the pension
7 readjustment, the Governor also did some
8 reestimates of his own projections. So that even
9 with that \$190 million change in personal income
10 tax, we still remain within the 2 percent cap.

11 SENATOR SEWARD: Moving on to
12 the -- I had a question regarding --

13 ACTING PRESIDENT BENJAMIN: Does
14 the sponsor yield?

15 SENATOR KRUEGER: Yes, I do.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR SEWARD: I had a question
19 regarding the proposal in the Executive's budget
20 regarding a cap on the STAR growth as well as the
21 lowering of the basic STAR exemption and income
22 limit from \$500,000 down to \$250,000. Does this
23 budget that's before us today accept or reject
24 those changes that the Governor recommended in
25 the STAR program?

1 SENATOR KRUEGER: This budget
2 accepts those proposed changes.

3 SENATOR SEWARD: If Senator Krueger
4 would continue to yield.

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR SEWARD: As I understand
11 it, these changes seriously dilute the STAR
12 program's positive impact on homeowners
13 throughout our state, and I would have to say, in
14 particular, middle-class suburban households
15 are -- are -- this decimates the STAR program,
16 the acceptance of those two changes.

17 But moving on to a question, what is
18 the structural surplus or deficit in the
19 outyears? Because obviously spending that we --
20 that is passed in this budget, program
21 expansions, whether it be Medicaid, school aid --
22 they all have impacts in the outyears. And could
23 you share with us whether there's a structural
24 surplus or a deficit in the outyears?

25 SENATOR KRUEGER: Thank you.

1 Mr. President, through you, I just
2 want to clarify that the changes that were made
3 in the STAR program do not decimate it, it leaves
4 the benefits at the same amount. It's a change
5 in the structure of how it operates. So I don't
6 actually share my colleague's analysis of that.

7 But for the outyears, in 2020-'21 we
8 are currently looking at a \$2 billion deficit.
9 In '21-'22 that drops to a \$490 million deficit
10 and, in '22-'23, a projected \$717 million
11 surplus.

12 SENATOR SEWARD: Thank you.

13 If Senator Krueger would yield for
14 one more question.

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR SEWARD: Just returning to
21 the STAR discussion, I just would point out that
22 when you cap the growth of the STAR program,
23 that -- as school taxes go up, that means that
24 the STAR benefit goes down if you're going to cap
25 the growth in the STAR program. And that's why I

1 say that it dilutes and in some cases decimates
2 the program.

3 But my question is on the -- we are
4 technically on the capital projects budget. And
5 there is talk in your response to a question from
6 Senator Amedore of a supplemental capital bill at
7 some later date.

8 SENATOR KRUEGER: Yes. Yes.

9 SENATOR SEWARD: My question is, is
10 the Executive and the Assembly on board with
11 doing a supplemental capital bill at a later
12 date?

13 SENATOR KRUEGER: Yes. It is my
14 understanding that we have a commitment to do so,
15 but not tonight.

16 SENATOR SEWARD: Mr. President, I
17 say thank you to Senator Krueger for responding
18 to my inquiries.

19 SENATOR KRUEGER: Thank you.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Robach.

22 SENATOR ROBACH: Yes,
23 Mr. President. You know what, due to the late
24 hour -- I wanted to focus on results, not
25 politics and promises -- I'll go right on the

1 bill on capital --

2 ACTING PRESIDENT BENJAMIN: Senator
3 Robach on the bill.

4 SENATOR ROBACH: -- and
5 transportation.

6 So we've talked a lot, had a lot of
7 dialogue, we had our subcommittees and we talked
8 about parity between roads and bridges and the
9 MTA, which is the current law that we have right
10 now. The problem is we don't -- we're not
11 spending at a parity level. And we need to do
12 that for a number of reasons.

13 But I first want to say, not only
14 are we not meeting current parity, but we're also
15 going to add what I can estimate -- and I would
16 ask the question, but I don't think anybody
17 really has the answer -- what I can ascertain,
18 about \$54 billion to the MTA, which they need.
19 But we ought to all be working to make sure we're
20 doing that \$27 billion for roads and bridges.

21 And, you know, we all know we have
22 an aging infrastructure, we all know it's an
23 issue of fairness, road safety, so many things
24 that need to be addressed. We should really do
25 this. And so I've heard a lot of things about

1 we're going to address it, we're going to do it.
2 This budget doesn't do it. And I heard an
3 earlier comment where somebody said, well, we're
4 going to do a new plan. We will do a new plan,
5 but that doesn't mean you don't do this one.

6 And I have to say it's also very
7 unfair to add that much money to transportation
8 in one part of the state and not one where -- for
9 upstate New York, where really that's almost all
10 we have is that road and bridge money. That's
11 how the majority of our people get around.

12 And my colleague Senator Kennedy
13 actually had said -- I don't remember how many
14 years, but whether it was a hundred or 50 years
15 that we were in charge. I know from my time here
16 we were in charge except for two years, and
17 that's the only time that I've been around the
18 Legislature in 30 years when the parity was
19 broken, was the last time my colleagues were in
20 the majority. And now it looks like you want to
21 go down that road again. And that is really the
22 wrong, wrong direction and not a good thing to
23 do.

24 And there's a lot of people
25 watching, whether they're local government

1 people, people in the building trades, people in
2 the construction field, highway superintendents,
3 everyday citizens. You know, I had a bridge in
4 Monroe County that had a lot of traffic, and
5 literally for several years pieces of concrete
6 were falling off the bridge, hitting cars in some
7 cases. Luckily, no fatalities. And the answer
8 from our local DOT was, we understand it's a
9 problem and deficient, but we don't have the
10 money.

11 The money needs to be there. And
12 whether the deficient bridge is in Long Island,
13 Syracuse, Buffalo, Rochester, you've got to have
14 that. People pay a lot in taxes. They ought to
15 know, when they go on the road, they're going to
16 be able to get to where they want. And I'm not
17 even talking about potholes and those things, I'm
18 talking about aging infrastructure.

19 So we've talked about it, we have
20 had these meetings, we have had these hearings,
21 yet we get no result and no response in this
22 budget.

23 If you add CHIPS, severe storm
24 weather, a lot of talk was done, a lot of
25 promises were made -- they took a cut. So now

1 local governments, on the pothole issue and
2 maintaining roads, are even going to get less
3 money. So this budget, when it comes to
4 transportation, really, really, really falls
5 short.

6 And I would really say it's unfair
7 to motorists across the state, not only in
8 upstate New York but on Long Island, in the
9 Hudson Valley, even New York City. A lot of
10 people still have cars there, and a lot of people
11 go in in cars and buses too. So we shouldn't
12 ignore them. I think it's really unwise that
13 we're kicking this can down the road. The places
14 that need repair, bridges, that infrastructure is
15 not going to go away. So we're going to be
16 dealing with it one way or the other.

17 And lastly, and why I'm going to be
18 voting no for this, is this is unacceptable for
19 the people that I represent. And when you couple
20 this with a billion dollars in new taxes but no
21 response to roads and bridges, a criminal justice
22 so-called reform that clearly is going to lead to
23 more victimization of innocent people, a lack of
24 doing anything for jobs, and campaign financing
25 that could cost up to half a billion dollars, but

1 we say we don't have money for this, I think is
2 wrong.

3 So I will ask -- I know what
4 happened when I was the chairman. I'll ask the
5 current chairman and my colleagues that I hope,
6 like my colleague Sue Serino said on an audit, I
7 think we need to have an audit, minimally on that
8 \$27 billion before we go add and double what
9 that's going to be for the MTA. I want them to
10 get their money, but we need to do ours.

11 But this, if you care about the
12 motoring public, this budget falls very, very
13 short and is tremendously unfair to every
14 motorist, but especially those who rely on their
15 car to get to work every day, especially in
16 Rochester and Monroe County and upstate New York
17 where I live. And to have a tax go on us that's
18 going to go designated to the MTA, when for
19 years -- Senator Krueger, would you like me to
20 tell you the tax? Part of the internet tax is
21 going to be designated, I believe, isn't it 59 --
22 no? Okay. What's that? That's what it says in
23 the -- well, let me keep going and we can talk
24 just for a minute.

25 Whether it does or it doesn't,

1 people in upstate New York pay a lot of taxes. I
2 think the budget says a certain amount of it is
3 going to be designated to that. If that is the
4 case, I could tell you whatever you are, whatever
5 party you're in, people in your district aren't
6 going to like that. They're not going to like it
7 in the current structure. But if that's the
8 case, whether it's on rental cars, anything else,
9 and not addressing us fairly, it is going to be a
10 challenge and it is going to be not
11 well-received.

12 So I waited and waited hoping that
13 in the supplemental or this last bill we put out,
14 there would be some addressment of this. I
15 hope -- I don't know where you'll get billions of
16 dollars -- in the supplemental budget that you
17 have coming up you will listen to the people of
18 the state, especially those in upstate New York,
19 and add a little parity to this. At least that
20 would lessen the pain.

21 But for what we know right now, if
22 you care, again, about motorists in your
23 district, this is a good no vote and one we could
24 do much better on.

25 Thank you, Mr. President.

1 ACTING PRESIDENT BENJAMIN: Senator
2 LaValle.

3 SENATOR LaVALLE: Thank you,
4 Mr. President.

5 Senator Krueger, I don't know
6 whether you would be the one I ask this question
7 of. Is there any additional funding for the
8 operation of the SUNY hospitals?

9 ACTING PRESIDENT BENJAMIN:
10 Senator --

11 SENATOR KRUEGER: We can give it a
12 try. And we'll make sure we have the right
13 staffer here for you.

14 SENATOR KRUEGER: So through you,
15 Mr. President, my understanding is that the SUNY
16 hospitals have an additional \$60 million coming
17 through the federal DSH payments in this budget.

18 SENATOR LaVALLE: Senator Krueger,
19 I --

20 ACTING PRESIDENT BENJAMIN: Senator
21 LaValle -- Senator LaValle --

22 SENATOR LaVALLE: Through you,
23 Mr. President.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR KRUEGER: Yes, I will.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR LaVALLE: We're talking
5 about 78.6 million which three hospitals would
6 receive that are not receiving. Now, these three
7 hospitals also receive DSH monies. So I don't
8 know how much in DSH they're receiving and
9 would -- you have indicated 60 million?

10 SENATOR KRUEGER: Yes. That is
11 from the chancellor's testimony before the budget
12 hearing on January 28th.

13 SENATOR LaVALLE: So we really are
14 not getting the numbers. What about the
15 78.6 million for the three hospitals?

16 SENATOR KRUEGER: So my
17 understanding is that's the request to have the
18 state pay the debt service on the three
19 hospitals, and that is not in this budget.

20 SENATOR LaVALLE: That amount is
21 approximately 50 million? So let's put these
22 numbers where we are deficient by 78 million.
23 You talked about a 60 million. And the debt
24 service is 50 million.

25 SENATOR KRUEGER: So last year the

1 Governor was able to provide 78 million in his
2 executive operating budget, and this year that
3 was dropped because of the 60 million in federal
4 DSH payments.

5 So you are correct that they still
6 want additional money, but that is not in this
7 budget.

8 SENATOR LaVALLE: Yeah. On the
9 bill, Mr. President.

10 ACTING PRESIDENT BENJAMIN: Senator
11 LaValle on the bill.

12 SENATOR LaVALLE: Thank you,
13 Senator Krueger.

14 The hospitals and the staffs that
15 run these hospitals that take care of our
16 patients need to be supported in a better manner.
17 Having been chair of the Higher Ed Committee for
18 a while, there was always, on the Executive's
19 part, not a lot of enthusiasm to own and run
20 public hospitals. And so if we don't have better
21 support of our three SUNY hospitals, they will
22 just deteriorate.

23 And these are -- these are our
24 constituents who go to those hospitals to receive
25 care. There is great dedication, great

1 dedication on the part of the professionals that
2 work in those hospitals, and we are not
3 supporting them with this budget measure.

4 Thank you.

5 ACTING PRESIDENT BENJAMIN: Senator
6 O'Mara.

7 SENATOR O'MARA: Thank you,
8 Mr. President.

9 Would one of the sponsors regarding
10 CHIPS funding, extreme winter recovery funding,
11 care to yield for a question?

12 SENATOR KRUEGER: This is an
13 interesting approach. It's sort of pick a bill,
14 ask a question.

15 ACTING PRESIDENT BENJAMIN: Will
16 the sponsor yield?

17 SENATOR KRUEGER: Yes, I'd be happy
18 to.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Krueger yields.

21 SENATOR O'MARA: Well, this is the
22 Aid to Localities bill, isn't it?

23 SENATOR KRUEGER: I don't think so.
24 This is capital projects.

25 SENATOR O'MARA: Capital projects,

1 which CHIPS funding is capital.

2 SENATOR KRUEGER: Fair enough.

3 Capital projects.

4 SENATOR O'MARA: Is there any money
5 in this budget, whether it's this bill we're on
6 right now or any other of the ones we're talking
7 about, for extreme winter recovery funds?

8 SENATOR KRUEGER: No. The Governor
9 did not restore that in this budget.

10 SENATOR O'MARA: The Governor
11 didn't put it in his budget.

12 SENATOR KRUEGER: No.

13 SENATOR O'MARA: The Majority put
14 it in the one-house budget here.

15 SENATOR KRUEGER: Yes.

16 SENATOR O'MARA: The majority in
17 the Assembly put it in their one-house budget.

18 SENATOR KRUEGER: Yup.

19 ACTING PRESIDENT BENJAMIN: Senator
20 O'Mara, are you asking the sponsor to yield?

21 SENATOR O'MARA: Will she yield for
22 a question?

23 SENATOR KRUEGER: I will yield.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR O'MARA: So you put it in
2 the one-house budget, the Assembly put it in its
3 one-house budget, the Governor didn't want to do
4 it. So did both majorities get rolled on this
5 issue?

6 SENATOR KRUEGER: We live and hope
7 that in the supplemental capital budget there may
8 still be an opportunity to provide funds for both
9 of those critically important programs.

10 So yes, I think you are right that
11 both houses, both parties, think that is critical
12 money. We haven't won that fight yet.

13 SENATOR O'MARA: And there was no
14 increase provided in this budget for an increase
15 in the base CHIPS aid from year to year.

16 SENATOR KRUEGER: Through you,
17 Mr. President, that is correct.

18 SENATOR O'MARA: On the bill,
19 Mr. President.

20 ACTING PRESIDENT BENJAMIN: Senator
21 O'Mara on the bill.

22 SENATOR O'MARA: This budget is a
23 complete failure, as it comes to upstate and
24 frankly anywhere outside of New York City, for
25 the lack of attention to our infrastructure

1 needs. We on this side of the aisle all
2 understand how important the MTA is. I have
3 three railcar manufacturers within the district I
4 represent that make railcars for the MTA. We
5 love the work. We love the business. It
6 provides good jobs. But our upstate
7 infrastructure, roads and bridges, are equally as
8 important.

9 When we were in the majority over
10 the past eight years, CHIPS funding and local
11 road and bridge funding had increased across the
12 board approximately 45 percent over that period.
13 Yet we're flat this year on CHIPS and we're
14 losing \$65 million on extreme winter recovery
15 funds. Ask anybody in your districts how they
16 think your roads fared during this winter, which
17 isn't quite over with yet. They're going to tell
18 you their roads are crappy. We need to do
19 better.

20 You know, as a former district
21 attorney and seeing some of the criminal justice
22 reforms we passed tonight, and reading the
23 statement that the District Attorneys Association
24 put out -- and I was a member of the District
25 Attorneys Association. And it's their president,

1 our local DA here in Albany County, David Soares,
2 a Democrat -- that this budget is chock-full of
3 half-baked policy -- this statement doesn't just
4 apply to what we did in criminal justice reforms,
5 it applies to this entire budget. Half-baked
6 policies.

7 A new commission for public finance
8 and do away with third-party voting? A new
9 commission for congestion pricing in New York
10 City? Can we not make difficult decisions here?
11 How many lawsuits are going to come out of the
12 commissions that we establish tonight? I know
13 there's two right now that came out of the pay
14 commission from last year, and there's probably
15 one or two more coming.

16 This legislative body should not be
17 shirking its responsibilities when it comes to
18 making tough decisions that affect every
19 New Yorker. We can't pass the buck. We were
20 elected to do our jobs here. We didn't have the
21 guts with the leadership in both houses of the
22 Legislature to pass a legislative pay raise on
23 our own. We shirked it off to a commission. Now
24 we're shirking off these responsibilities to two
25 more commissions. It's a disgrace. It's an

1 insult to the people that elected us to come in
2 these offices.

3 We have created a billion new
4 dollars in taxes in this budget. Internet taxes,
5 eliminating charitable deductions, eliminating
6 exemptions on energy service companies, an auto
7 rental tax for upstate of 6 percent, making it
8 11 percent. Real estate transfer taxes.

9 Internet sales taxes of \$160
10 million, which is the local share, which normally
11 goes to our counties -- the state is taking that
12 portion and distributing over a third of it on
13 their own. Eliminating AIM funding and the
14 state's responsibility to provide that.

15 Yet also from the internet sales
16 tax, there's \$160 million set aside for the MTA,
17 which will increase 1 percent each year from here
18 on out, with no guarantees for equitable funding
19 and parity for our upstate roads and bridges as
20 it comes to that. We have failed our voters.

21 There's a new tax on vaping.

22 There's a new opioid tax for people
23 that are in pain and are on legitimate opioid
24 prescriptions, that are suffering, that are going
25 to pay more for them to get relief. These are

1 our constituents. A hundred million dollars from
2 individuals suffering in New York State. Yet out
3 of that \$100 million new opioid tax, we have no
4 additional spending on our opioid and heroin
5 crisis that is beleaguering the State of New York
6 and every state in this country and the nation.

7 Yet despite these billion dollars of
8 new taxes, we're able to maintain a film tax
9 credit of over \$400 million to provide relief for
10 Hollywood elites. And on this economic
11 development program, there is no MWBE
12 requirements. Yet on every project that receives
13 economic development money in upstate New York,
14 there are outrageous MWBE requirements that are
15 unrealistic and cannot be met without us hiring
16 businesses from outside of our regions to make up
17 the MWBE thing. So we're taking our economic
18 development region for our regions and having to
19 go out outside to other regions, losing the
20 impact.

21 It is a disgrace what we've done
22 here. The parity, as Senator Robach mentioned,
23 on road and bridges -- twice as much for MTA than
24 there is for the rest of the state.

25 Again, the District Attorneys

1 Association, Democrat David Soares said it best:
2 "Instead we have set up unrealistic, unworkable
3 requirements that ultimately will fail the very
4 people and communities they were intended to
5 benefit."

6 We can and we must do better in this
7 state. Thank you, Mr. President.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Skoufis.

10 SENATOR SKOUFIS: Thank you,
11 Mr. President. If I may speak on the bill.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Skoufis on the bill.

14 SENATOR SKOUFIS: Thank you.

15 There is much to celebrate in this
16 budget, thanks to the stewardship of our Majority
17 Leader. This budget lifts up many of the poorest
18 and most disadvantaged New Yorkers, it makes the
19 property tax cap permanent, a long-sought-after
20 measure of relief for every property taxpayer in
21 the state outside of New York City, and it does
22 so in a balanced and fair approach by enacting
23 TRS reserve accounts for our schools. It funds
24 the EPF, clean water infrastructure. And most
25 importantly perhaps, for those of us north of

1 New York City, it finally, for the first time
2 I've been alive, holds the MTA accountable with a
3 forensic audit and makes sure that we get our
4 fair share, 10 percent, north of New York City,
5 which is the most we will ever see out of a
6 capital program.

7 But I rise today -- and it is today,
8 because we are in the morning now -- because I
9 would like to speak about a locality that was not
10 in the Aid to Localities bill that we recently
11 passed.

12 A couple of my colleagues here,
13 former Assembly colleagues, like Senator Mayer
14 and Senator Sepúlveda, have heard me say what I'm
15 about to say, because this is now Year 4 of a
16 crusade to try and save a community that is a
17 couple of years away from fiscal calamity.

18 The North Rockland community, made
19 up of two towns, Stony Point and Haverstraw,
20 50,000 people, a third of which are families of
21 black and brown individuals, a majority of these
22 school districts free and reduced lunches. This
23 is a hard-nosed working class, blue collar set of
24 communities, at first blush like many other
25 diverse suburban communities in our state.

1 But upon closer examination, this
2 community is unlike any other school district in
3 New York, because 12 years ago North Rockland
4 effectively lost not one but two power plants.
5 Many of our school districts, many of our towns
6 and villages face a crisis by losing one power
7 plant. This one has lost two. In Stony Point,
8 the Lovett Power Plant is completely gone,
9 formerly a coal plant. And in Haverstraw,
10 Bowline remains as a peaker plant.

11 When both of these plants were fully
12 operating 12 years ago, they were paying
13 \$44 million a year in school property taxes. Now
14 those two properties are paying \$2 million a
15 year, a \$42 million a year loss on the revenue
16 ledger for the school district.

17 In addition, the Bowline Power
18 Plant's owner, Mirant at the time, filed a
19 successful tax certiori, so the school district
20 had to take out what is still the largest tax
21 certiori in New York State history: With
22 interest, \$369 million, in a community of
23 50,000 people.

24 And so for the past 12 years this
25 school district has not only lost \$42 million a

1 year in revenue, but they also lose \$12 million a
2 year paying back the Mirant power plant company.

3 This is a set of challenges unlike
4 any other school district. We all have unique
5 communities and unique school districts. But in
6 two years, maybe three, if we don't do anything
7 in this chamber and in this city, we will have
8 the first bankrupt school district in New York
9 State. That is not hyperbole. We have hyperbole
10 up here every day, every week, every month of
11 legislative session. You will have the North
12 Rockland Central School District, if we continue
13 to take no action, coming up here and handing
14 over the keys. Good luck, Senate, good luck,
15 Assembly, good luck, Governor, we can't provide a
16 sound, basic education any longer.

17 And so for the past three years the
18 Assembly has tried to take action. I represented
19 half of the district in the Assembly, my
20 colleague Assemblyman Zebrowski the other half.
21 And we've put a solution into our one-house
22 budgets every year. This year was the first year
23 the Senate took action and joined the Assembly in
24 putting that same solution into our one-house.

25 Sadly, we're enacting a budget yet

1 again without any sustainable relief for the
2 North Rockland community. And this is not just
3 endangering the school district. Let me be
4 clear. Over the past 12 years, if you're lucky,
5 your taxes have doubled. Many residents have
6 seen their taxes tripled in 12 years. If we
7 don't do anything, not only will the district be
8 crippled, but the district will become a ghost
9 town because no one will be able to afford to
10 live in it any longer.

11 When we had these two power plants,
12 commercial ratepayers made up 60 percent of the
13 tax base, residents 40 percent. Now the
14 commercial ratepayers make up 32 percent and
15 residents 68 percent. Completely flipped.

16 And so my colleagues, my community
17 has begged and pleaded and implored Albany to
18 take action. Just this past week, after being
19 provided some hope that now both chambers were on
20 board with trying to solve this problem, in a
21 matter of days over 2,000 people signed a
22 petition begging this Governor to join us and
23 deliver the relief that they've long been waiting
24 for.

25 But again, for the fourth year of

1 trying to accomplish something here,
2 North Rockland has been rebuffed. People are
3 frustrated, people are angry, and people are
4 worried. My colleagues, we have to do better.

5 But there is some good news. Today
6 the Governor's office committed to finding a
7 solution to this problem in this legislative
8 session. I will work with the Governor and
9 Assemblyman Zebrowski to finally get this done,
10 and we will hold him to that commitment. Because
11 quite frankly, no one in this chamber, no one in
12 the other chamber, and I would like to think the
13 Governor -- no one wants to see the first
14 bankrupt school district in New York State happen
15 on their watch. We have to do better, we must do
16 better, they deserve to have us do better.

17 Thank you, Mr. President. I hope my
18 colleagues here will join me in making sure that
19 we look after all of our children in this state,
20 especially those that are most vulnerable.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Helming.

23 SENATOR HELMING: Thank you,
24 Mr. President. Mr. President, through you, would
25 Senator Krueger be willing to take a few

1 questions?

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield?

4 SENATOR KRUEGER: I'll give it a
5 whirl.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR HELMING: Through you,
9 Mr. President. Senator Krueger, can you tell me
10 if there's any policy or any funding for
11 databases, programs, or anything else related to
12 the expansion of the SAFE Act or firearms
13 regulations in this bill or any other bill in the
14 budget?

15 SENATOR KRUEGER: No, unfortunately
16 there is not.

17 SENATOR HELMING: Thankfully there
18 is not.

19 Through you, Mr. President, if the
20 Senator --

21 ACTING PRESIDENT BENJAMIN: Do you
22 yield?

23 SENATOR KRUEGER: Yes, I yield.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR HELMING: Senator Krueger,
2 I see that there was funding included for a
3 searchable database of economic development
4 projects. Does this budget contain any
5 Article VII language to codify the database of
6 deals?

7 SENATOR KRUEGER: One minute.

8 So no, there is no Article VII
9 language for the database of deals. There is a
10 commitment by the Governor of funding to --
11 sorry, there's a commitment by the Governor of
12 funding for said effort. But we still would need
13 to do separate language outside the budget.

14 SENATOR HELMING: Through you,
15 Mr. President.

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR HELMING: Senator Krueger,
22 why isn't there any language in the Article VII?

23 SENATOR KRUEGER: The Governor
24 rejected it.

25 SENATOR HELMING: Okay. On the

1 bill, Mr. President.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Helming on the bill.

4 SENATOR HELMING: I have to say
5 that it's highly disappointing to hear there's no
6 Article VII language in the budget to codify the
7 database of deals. As most of you know here, the
8 Republicans led the effort last year to create
9 the database of deals and to get that legislation
10 passed.

11 Without Article VII language,
12 neither the Legislature nor the public can be
13 sure that all the state's economic development
14 projects are being captured in the searchable
15 database. This limits transparency and
16 accountability. I find this especially
17 surprising and extremely disappointing
18 considering that one of the primary reasons state
19 elected officials opposed the Amazon deal and the
20 up to 40,000 jobs that would have come with it,
21 was insufficient transparency in the process.

22 I would hope that the Amazon
23 experience and the loss of up to 40,000 jobs
24 would have motivated our colleagues to prioritize
25 and ensure that the database of deals was

1 included in the final budget. It appears my hope
2 was very displaced.

3 Mr. President, it is my belief that
4 until we address the high taxes, the unnecessary
5 red tape, and the overregulation that burden our
6 local small businesses, they're going to continue
7 to pack up and exit this state as quickly as
8 possible, just like the overtaxed people who live
9 here. We're not going to attract new businesses,
10 we're going to see more problems unless we
11 address these issues.

12 Thank you, Mr. President.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Akshar.

15 SENATOR AKSHAR: Thank you,
16 Mr. President. I'm on the bill, specifically --

17 ACTING PRESIDENT BENJAMIN: Senator
18 Akshar on the bill.

19 SENATOR AKSHAR: Thank you,
20 Mr. President. Specifically around the area and
21 the space with the heroin and opioid crisis.

22 The heroin epidemic is the public
23 health crisis of our time. And really we're at a
24 sad state of affairs tonight. When I heard
25 Senator Amedore and Senator Krueger speaking

1 about was there additional funding, will there be
2 additional funding -- with all due respect to my
3 colleague, she said something along the lines of
4 we really needed to legalize marijuana to be able
5 to provide additional monies for these services.

6 And I'm just trying to understand
7 this. Are we suggesting that if we could get
8 more people to smoke marijuana we would have more
9 money to provide drug services? I'm -- I'm
10 just -- I'm a little bit confused.

11 For me -- I'm not asking a question,
12 no. I'm just speaking. For me, it's about wants
13 versus needs. And I arrived here in 2016, and I
14 just want to remind everybody in this house that
15 the great work that the Task Force on Heroin and
16 Opioid Addiction did. That task force really, in
17 my opinion, changed lives. And it empowered
18 people who were on the ground and on the front
19 lines every day, the community-based providers,
20 and helped them, really, provide these services.

21 So since I'm here in 2016, we found
22 a way -- 2016, an additional \$25 million; '17, an
23 additional \$10 million. In '18, an additional
24 \$15 million.

25 And I can't help but think about

1 some of the things that my colleagues have spoken
2 about. Twenty-seven million dollars for the
3 DREAM Act, we found that money. A hundred
4 million dollars in an opioid tax, none of which
5 is going for new services -- none of which is
6 going for new services. Four hundred twenty
7 million dollars, as Senator O'Mara said, for the
8 film tax credit. But yet we can't find an
9 additional 15, 20, 25 million to deal with the
10 public health crisis of our time?

11 So what I'm going to do is I'm going
12 to go home, back to my district, in 52, who -- we
13 just lost 10 people this month, 10 people this
14 past month to overdose. I'm going to go back and
15 tell Lourdes Hospital that no, we don't have
16 \$175,000 for your substance abuse counseling for
17 youth. I'm going to go back to Tioga County and
18 say to CASA-Trinity, no, we can't fund you at
19 \$70,000 for school-based substance abuse. I'm
20 going to go to Chenango County Behavioral Health
21 and say, I'm sorry, we don't have \$70,000 for
22 you, because we didn't legalize marijuana and
23 there's no money, but yet we found \$27 million to
24 fund the DREAM Act, we allowed opioids to be
25 taxed at \$100 million, and we raised other monies

1 for other things -- but no, we're not going to
2 fund these things.

3 Mr. President, I'll be voting no.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Krueger.

6 SENATOR KRUEGER: Thank you,
7 Mr. President.

8 So I think I'm going back to the
9 revenue bill, but I do want to correct the
10 record. I answered Senator Helming incorrectly.
11 I apologize. There is reappropriation language
12 in the Division of State Police of \$10 million
13 for services and expenses related to the
14 development of a records management system that I
15 believe is specific to the SAFE Act.

16 So this is money that had not been
17 spent in previous years but continues to be a
18 statewide record system to share information
19 which could include the SAFE Act in it. So that
20 is actually from the Division of State Police
21 reappropriations.

22 I don't know whether -- I want to
23 give Senator Helming a chance to --

24 ACTING PRESIDENT BENJAMIN: Senator
25 Helming.

1 SENATOR HELMING: Through you,
2 Mr. President. I guess I'm looking for more
3 explanation. Can you give me a little more
4 detail? Is this new funding to expand?

5 SENATOR KRUEGER: No, it's a
6 reappropriation of money that was not spent but
7 in theory could be spent for these purposes.

8 SENATOR HELMING: Is that the
9 intent, to --

10 SENATOR KRUEGER: It's 2014 money,
11 so it's there as a reappropriation. It would not
12 need additional legislation. The SAFE Act has
13 already been passed.

14 SENATOR HELMING: I'm sorry, did
15 you have something more?

16 SENATOR KRUEGER: I'm sorry. So it
17 would be 10 million in reappropriations for these
18 purposes, which could include the SAFE Act
19 database.

20 SENATOR HELMING: And the database
21 of -- what would the database include? Through
22 you, Mr. President.

23 SENATOR KRUEGER: I believe this
24 was a database for tracking ammunition.

25 SENATOR HELMING: Thank you.

1 SENATOR KRUEGER: You're welcome.

2 On the bill.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Krueger on the bill.

5 SENATOR KRUEGER: Thank you.

6 And I think I'm going back to being
7 on revenue, although we are free flying tonight
8 on the budget. Or this morning.

9 So, one, I just want to address
10 something that's been said quite a few times,
11 just to clarify. That 100 million opioid tax,
12 with all due respect, was passed by the majority
13 when they were Republicans last year. So it's
14 not actually us, it was them. And now it's all
15 of us.

16 And no, the only way to get money
17 for substance abuse is not whether you pass
18 legalization of marijuana. But I wanted to
19 highlight that in our one-house bill we had hoped
20 to have money for many things that we don't have.
21 But had we been able to create a regulation and
22 tax system for cannabis products, the commitment,
23 at least in the legislation that I have been
24 carrying for quite a few years now, would in fact
25 commit a significant percentage of revenue from a

1 tax and regulation system to provide both
2 substance abuse treatment and education to
3 discourage people from using drugs.

4 And my colleague also referenced so
5 we have to get people to smoke marijuana in order
6 to get money for drug treatment. With all due
7 respect, they're already smoking marijuana. The
8 question is will we ever legalize, tax, regulate
9 and ensure that we have a system in place that
10 actually raises revenue rather than costs us
11 money and creates a safer, noncriminal
12 environment for the New Yorkers who are already
13 smoking cannabis in quantities pretty equivalent
14 to states that have already legalized. So we
15 have a reality; we're just not confronting that
16 reality.

17 I did want to highlight, though, how
18 proud I am of this bill for all the things that
19 aren't in it. So it doesn't have adequate
20 funding for education. I have to agree with
21 several of my colleagues from across the aisle,
22 we shouldn't have punted campaign finance to a
23 commission, we should do it ourselves.

24 I appreciated the comments about
25 look what happened when there was a pay

1 commission. Well, that wasn't my idea either,
2 that was the Republicans in the majority. I
3 would have just given us a raise. I think that
4 would have been the right answer.

5 So I also am quite concerned about a
6 commission when we just should have done a public
7 financing system.

8 But as you've heard so eloquently
9 from so many of my colleagues tonight, what we're
10 doing for criminal justice reform is going to
11 have enormous positive ramifications throughout
12 our communities. And despite the fact that there
13 are some DAs saying this isn't well thought out,
14 the truth is on discovery and speedy trial, most
15 states are already here. They've already been
16 doing this for years. So I don't know what's so
17 shocking about it.

18 And on bail reform, we have also
19 been talking about it for years and years and
20 years. And I know when I go home, even though my
21 district isn't disproportionately made up of
22 people who end up not being able to afford bail
23 if they need it, that it will be one of the first
24 questions I am asked by people: "Did you get
25 criminal justice reform done?" And I'll be able

1 to say "Yes, we did," and they'll say "Good job,
2 Liz."

3 Then we have the MTA and the
4 mobility tax or congestion pricing or whatever
5 people want to describe it as. And there I also
6 think where we have come and where we have gotten
7 to tonight is the right answer. Because the
8 entire future of the MTA region and much of the
9 state is dependent on making sure we have a
10 functioning, funded 21st-century public
11 transportation system.

12 And here's the issue that I think
13 people are misunderstanding when they talk about,
14 where's the equity? We're not asking the state
15 to pay for it. New York City is basically paying
16 for it, and the New York City region of small
17 numbers of commuters who do drive into New York
18 City. The irony is it's New York City who will
19 be paying for the MTA capital plan through
20 congestion pricing. And we will just -- and we
21 will be sharing that system with a universe much
22 larger than ourselves.

23 So when we look at the plan for
24 congestion pricing and we look at who's going to
25 pay, it is the City of New York who's going to

1 pay. And when we look at one of the tax -- two
2 of the tax increases people seem so concerned
3 about, which are the transfer tax increase and
4 the mansion tax increase, that will be wealthier
5 people in the City of New York paying for the
6 MTA. It's not anybody outside the City of
7 New York, it's not the State of New York, it's
8 the City of New York's people contributing,
9 through a more progressive tax system, money
10 towards the MTA.

11 And when you talk about the gross on
12 the increase of a billion dollars in taxes,
13 again, please remember, it's mostly coming from
14 the people of the City of New York. Because when
15 we talk about continuing the higher personal
16 income tax rates with a five-year extension, the
17 largest increase, which is just a continuation of
18 what we've already had -- there was a chart going
19 around about who actually pays that. It's the
20 people in my district personally.

21 I am very comfortable with the fact
22 that representing the wealthiest district in the
23 State of New York, we're supposed to pay our fair
24 share, and that means progressive taxation. And
25 they've been doing it for five years, and nobody

1 has left because of it. I have more millionaires
2 now than I did five years ago. Nobody is going
3 to sell their apartments and leave because we're
4 continuing that tax to make sure that the people
5 of New York State have more revenue for everyone.
6 So we are a donor to the rest of the state
7 through this tax.

8 We are protecting AIM for our
9 localities. I think there was a great deal of
10 confusion about that. The internet tax is not an
11 unfair tax, it's a fairness tax. And it will
12 mean money going to our localities and our towns
13 and villages. And no, it won't be going to the
14 MTA, just the City of New York's share of the
15 internet taxes will be going to the MTA.

16 So yet again, when you talk about
17 parity, we're trying to save ourselves with
18 revenue that's coming straight out of the City of
19 New York.

20 And so even though we haven't been
21 able to do everything we wanted to this year,
22 Mr. President, and even though there are people
23 saying you're raising taxes by a billion dollars,
24 pretty much all of that is coming from
25 higher-income people in the City of New York,

1 very often the people in my district, and they
2 aren't going to leave New York because they love
3 New York, they want it to be successful, they
4 know they need a functioning MTA system. We all
5 know, if you come from the 12 -- 13 counties of
6 lower New York State, we all know that we need to
7 make the investments in the MTA.

8 And we've held them to a much
9 stricter standard of accountability in the new
10 plan. Several of my colleagues today talked
11 about the importance of the forensic tracking and
12 accounting and auditing, and we are doing that.
13 And we are doing much clearer, cleaner
14 transparency and far more details.

15 And I'm not going to tell you I feel
16 confident it's all going to work out, but I feel
17 more confident that we have a plan that can help
18 us ensure that we have subways and buses and
19 trains that we need to have in order to keep our
20 economy thriving. Because it matters in my city
21 and my region, but it actually matters just as
22 much for upstate New York.

23 So I'm proud to be voting yes,
24 Mr. President. Thank you very much.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Breslin.

2 SENATOR BRESLIN: Thank you,
3 Mr. President.

4 I rise to speak on criminal justice,
5 which I was delayed --

6 ACTING PRESIDENT BENJAMIN: Senator
7 Breslin on the bill.

8 SENATOR BRESLIN: -- some time ago.

9 And I think that I first of all have
10 to thank the team from my conference who did such
11 a phenomenal job, and for Andrea Stewart-Cousins,
12 our leader, to give them the strength and the
13 ability to go forward as a group to change the
14 law.

15 And when I think of myself as a
16 young lawyer spending a lot of time in local
17 police court here in Albany, I think of George
18 Santayana saying "He who forgets the past is
19 doomed to repeat it."

20 I was confronted with conservative
21 white judges, prosecutors that weren't
22 particularly fair, frequently young
23 African-American men who had been charged with
24 misdemeanors of a nonviolent nature, but they
25 were in jail because they couldn't afford minor

1 amounts of money. And when they were brought
2 into court, furthering -- when they were brought
3 into court, they weren't in suits and preppy,
4 they were coming from jail. So that compounded
5 the problems in getting a fair and equitable
6 disposition.

7 And I think frequently of particular
8 people who I represented more than once. And if
9 they ended up because of their circumstances
10 pleading to a minor violation or a minor crime,
11 the next time, well, that person has a record.
12 So it was compounded again.

13 And I think of all the unfairness
14 that went on, and all the unfairness that still
15 goes on. And I applaud what we've done tonight,
16 no cash bail. Proper discovery. Speedy trial.
17 And this day I will remember forever. And I
18 believe our children and grandchildren will look
19 back at this day as a very important day that
20 made a difference in the way our criminal justice
21 system will be in the State of New York from this
22 day forward.

23 So I feel somewhat relieved,
24 probably my conscience being relieved, for some
25 of the experiences I had in those representations

1 as a young lawyer. And I hope that we can move
2 forward where young lawyers won't feel the same
3 way I did at that time.

4 And on another point, I know that --
5 was it you, Senator Lanza, that talked about the
6 inequities -- oh, no, it was the other -- it was
7 you, Senator Tedisco. I get them confused.

8 (Laughter.)

9 SENATOR BRESLIN: I think about --
10 there was a \$618 million increase in Foundation
11 Aid this year. So we didn't do that badly. But
12 we didn't do as well as Senator -- was it
13 Jackson -- indicated that we should do. And
14 hopefully we'll move in the direction of finally
15 settling that AQE debt which is now 13 or 14
16 years old. And I might add it was a directive
17 from the Court of Appeals telling us to pay that
18 amount of money so that there was a sound, basic
19 education for our children, particularly in
20 New York.

21 So with those two areas -- there's
22 so many other areas that I could discuss from
23 this new Senate Majority that to me is doing
24 things for the right reasons and making New York
25 a fairer and a better place. I look forward to

1 not being like Mississippi and Arkansas, and
2 having people come out to vote and being
3 encouraged to vote and participating in the
4 process. And there are so many other measures
5 that we've taken over the last three months that
6 make me proud to be a member of this body.

7 So I know that -- I think there's a
8 chance to have increased camaraderie in this
9 body. I hope it works out. But I know that the
10 Democratic Majority, being pushed by our 15 new
11 freshmen, still has a lot of work to do, and I
12 believe that work will get done.

13 I vote aye.

14 ACTING PRESIDENT BENJAMIN: Senator
15 Hoylman.

16 SENATOR HOYLMAN: Thank you,
17 Mr. President. I'll be brief.

18 Senator Kavanaugh said tonight his
19 mother, who religiously watches the Senate
20 channel, she herself has gone to bed. So I know
21 that I'm up against steep odds here.

22 (Laughter.)

23 SENATOR HOYLMAN: I wanted to join
24 my colleagues in commemorating this historic
25 moment when we are passing criminal justice

1 reform. Whether it's speedy trial or reforming
2 bail and reforming our discovery system, we
3 really have reason to be proud.

4 I'm disappointed that some of the
5 spinmeisters for the other side are calling it a
6 criminal bill of rights. Mr. President, there
7 could be nothing further from the truth. This is
8 about the United States Bill of Rights and equal
9 justice under the law. So we should all be very
10 proud of what we're doing tonight.

11 And I want to also mention the fact
12 that we are liberated here as a chamber, and I
13 think we see it in the bills we're passing
14 tonight. For example, on mayoral control. We
15 actually looked at the issue on the merits.
16 Senator Liu had hearings, we discussed it in our
17 conference, we looked at what was best for the
18 children of the City of New York. We were not
19 bargaining charter schools for mayoral control,
20 and that's a first in this chamber. And I'm very
21 happy that we decided on an approval that will
22 include greater parental involvement.

23 And when it comes to the new mansion
24 tax and the real estate transfer tax, what we're
25 trying to call the RETT-a-terre -- I don't think

1 that's going to happen. But in both cases we
2 beat back the special interests and are actually
3 taxing wealthy New Yorkers based on the ability
4 to pay.

5 And what's even more important is
6 that those same New Yorkers will be providing for
7 middle-class residents of our city and the whole
8 region in helping fund our mass transit system.
9 And that's really one of the most important
10 things we're doing tonight, which is funding the
11 MTA through congestion pricing. Fifteen billion
12 dollars, that gets us some of the way. We know
13 that Andy Byford's plan is \$40 billion.

14 But one of the things that I often
15 get pulled off of the sidewalk in my district is
16 the question "When are you going to fix the
17 subways?" Well, we're taking a bold step tonight
18 in passing congestion pricing. And I'm the
19 Senator who has all but 12 blocks of the
20 congestion pricing zone in my Senate district.
21 So we are really bearing the brunt of the
22 expense.

23 I'm happy that there will be a free
24 ribbon around the perimeter of Manhattan, that
25 there will be a discount for low-income residents

1 of the zone, and that we're going to be looking
2 at the advent of residential parking.

3 So I thank the congestion pricing
4 team that our leader assembled, with Senator
5 Kennedy and Senator Comrie, to hammer those
6 details out.

7 And let me just mention a couple of
8 other things. For the first time, this Senate,
9 in my career, is funding LGBTQ initiatives,
10 including Gay Men's Health Crisis, the LGBTQ
11 Network, the Transgender Legal Defense and
12 Education Fund. And I should remind you, if you
13 don't know already, that yesterday was
14 Transgender Visibility Day. So we're doing
15 something for transgender New Yorkers, and I
16 appreciate my colleagues for their support.

17 And last year, Mr. President, there
18 was an IVF bill on this floor, in vitro
19 fertilization, that would mandate insurance
20 coverage. It passed this chamber, but shamefully
21 it discriminated against gay men. Well, the bill
22 that we're passing that's modeled after Senator
23 Savino's bill has an anti-discrimination clause,
24 and I'm very proud of that.

25 So for all these reasons,

1 Mr. President, we have reasons to be very proud
2 of our efforts tonight, and I'll be voting in the
3 affirmative. Thank you.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Montgomery.

6 SENATOR MONTGOMERY: Thank you,
7 Mr. President.

8 I rise to, one, just thank my
9 colleagues who have enumerated the many reasons
10 that we should be very proud of the work that is
11 what this bill represents.

12 But I want to just take this moment
13 to thank the heroes, as I am concerned about
14 criminal justice reform, and especially the fact
15 that we have thousands and thousands of people
16 who have been held in detention before they have
17 even had a trial. So essentially it is
18 detention, pretrial detention, for people -- many
19 of whom spend more time, because they can't pay
20 bail, than they would have to spend in prison
21 even if they were guilty.

22 So for me, the heroes of this
23 evening are those colleagues who spent many,
24 many, many hours negotiating the results that we
25 celebrate tonight.

1 And the number one of those members
2 is Mike Gianaris, who carried the bill on our
3 side for a long time, who negotiated with a lot
4 of people, who scared everybody, because nobody
5 believed or wanted to make the change, but
6 Gianaris stood up to all of them. So we thank
7 him. I thank him.

8 And who knew that these two new
9 people were going to be also part of that
10 victory, Senator Bailey and Senator Myrie, who
11 could -- you can't top Senator Myrie, what he
12 said tonight. It was just amazing. And so
13 they're -- the three of them were working to try
14 and make this happen.

15 And lo and behold, they found a
16 prosecutor, a former prosecutor, who they were
17 able to convince to say "I'm part of this
18 movement as well," so that's Senator Kaminsky.

19 So we had the perfect team. And I
20 must say I didn't believe it was going to happen,
21 but you never know when a miracle is going to
22 come.

23 So this awful pretrial detention
24 system that was maintained by a faulty bail
25 system where people had to either have enough

1 money -- and if you were a poor person and didn't
2 have enough money, you had to spend an enormous
3 amount of time in prison even though you did not
4 necessarily -- you were not necessarily guilty of
5 anything. And there was a tremendous lack of
6 information in the discovery process, and trials
7 took forever.

8 So there were people languishing in
9 prison who never had a trial. And the most
10 famous was the young person who committed suicide
11 because he spent three years in prison, never had
12 a trial. So there were collateral consequences
13 to this prison system. There were immediate
14 consequences. And for goodness' sake, it was a
15 totally unjust operation.

16 So we're proud of our colleagues who
17 spent all that time fixing this system. And as
18 Senator Myrie pointed out, after 200 years we can
19 feel proud of ourselves because we have at last
20 come to an agreement that we in the State of
21 New York will no longer support the kind of
22 injustice that was represented by the bail
23 system, the lack of discovery, and the lack of a
24 speedy trial.

25 So thanks to my colleagues. And I'm

1 proud of all that is represented in this budget,
2 but that particular change makes me so absolutely
3 happy and thankful. And I vote aye on
4 everything.

5 ACTING PRESIDENT BENJAMIN: Are
6 there any other Senators wishing to be heard?

7 Seeing and hearing none, debate is
8 closed.

9 The Secretary will ring the bell.
10 Senator Gianaris.

11 SENATOR GIANARIS: Mr. President.
12 Are there any messages of necessity at the desk?

13 ACTING PRESIDENT BENJAMIN: There
14 are messages of necessity at the desk.

15 SENATOR GIANARIS: Okay. In that
16 case I move that we accept all the messages of
17 necessity.

18 ACTING PRESIDENT BENJAMIN: All in
19 favor of accepting all the messages of necessity
20 signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT BENJAMIN:
23 Opposed?

24 (Response of "Nay.")

25 ACTING PRESIDENT BENJAMIN: The

1 messages are accepted, and the bill is before the
2 house.

3 Read the last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect immediately.

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: In relation to
10 Calendar Number 356, those Senators recorded in
11 the negative are Senators Akshar, Amedore,
12 Antonacci, Boyle, Flanagan, Funke, Gallivan,
13 Griffo, Helming, Jacobs, Jordan, Lanza, LaValle,
14 Little, O'Mara, Ortt, Ranzenhofer, Ritchie,
15 Robach, Serino, Seward and Tedisco.

16 Ayes, 40. Nays, 22.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 Senator Gianaris.

20 SENATOR GIANARIS: Mr. President,
21 can we go back to Calendar 359, which was earlier
22 laid aside temporarily. That's the health budget
23 bill, which we already had the vote on. We have
24 just accepted the message, as you heard. So can
25 we please call that vote.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

3 THE SECRETARY: Section 3. This
4 act shall take effect immediately.

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN: Senator
9 Rivera to explain his vote.

10 SENATOR RIVERA: Thank you,
11 Mr. President.

12 So I will be voting in the
13 affirmative on this bill. We debated it earlier.
14 And I just wanted to thank all of my colleagues
15 for -- that are supporting the bill. I
16 understand why some folks are not.

17 The most important thing that I want
18 to make sure that I underline is that I believe
19 that we have done -- that we did a great job of
20 being able to hold off some of the worst impulses
21 of the Executive. The fact is that not only the
22 budget that we were presented was an austerity
23 budget to begin with, but the 30-day amendments
24 would have eviscerated the healthcare system in
25 the State of New York. We were able to hold that

1 off and move forward a little bit.

2 Still, we have much work to do, and
3 I look forward to doing it with my colleagues for
4 the rest of the conference -- in the rest of the
5 session.

6 And also I recognize, as we talked
7 about earlier, that there's many issues that
8 impact the entire State of New York, whether it's
9 Lyme disease or tick-borne diseases or other
10 issues that impact other parts of the state. We
11 certainly care about them. We were very
12 constrained by this year's budget. But we look
13 forward to working along with our colleagues
14 across the aisle. Because health is something
15 that impacts all New Yorkers, we want to make
16 sure that we get it right.

17 So with that I will vote in the
18 affirmative. Thank you, Mr. President.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Rivera to be recorded in the affirmative.

21 Senator May to explain her vote.

22 SENATOR MAY: Thank you,
23 Mr. President.

24 One in six New Yorkers are over the
25 age of 65. And I am pleased to say that this

1 budget reflects a commitment to older
2 New Yorkers, particularly to the goal of keeping
3 as many seniors in their homes as long as they
4 want to stay there.

5 There are currently people in their
6 nineties who are on waiting lists to get home
7 services, in-home services for the elderly, and
8 they can't wait a whole lot longer. So there is
9 \$15 million in this budget to clear the waiting
10 list of people waiting for Expanded In-home
11 Services for the Elderly. I think that's a real
12 achievement.

13 And we've also got a new program
14 called private-pay protocols for the elderly.
15 This is for people -- so the area agencies for
16 the aging provide a lot of really wonderful
17 services to the elderly to help them stay in
18 their homes and stay out of nursing homes, like
19 meal deliveries and case management and a number
20 of other services. And a lot of people would
21 like to be able to access those services, but
22 their incomes are too high. So the private-pay
23 protocols are going to allow them to pay
24 reasonable amounts to get those services and stay
25 in their homes much longer.

1 So I think this budget is a good one
2 for our elderly population and will make us --
3 make people more able to stay in their homes and
4 out of nursing homes much longer.

5 So I vote aye. Thank you.

6 ACTING PRESIDENT BENJAMIN: Senator
7 May to be recorded in the affirmative.

8 Senator Carlucci to explain his
9 vote.

10 SENATOR CARLUCCI: Thank you,
11 Mr. President.

12 I want to thank my colleagues for
13 supporting this budget bill. As it was said,
14 it's been a difficult budget year, we've heard
15 that. But I want to thank my colleagues for
16 working together to getting some of the
17 priorities done here. We've been able to raise
18 wages for our direct service workers. This is
19 extremely important, something we know we needed
20 to get done. We've been able to restore and
21 expand the Joseph P. Dwyer PTSD Peer-to-Peer
22 veteran program. And as we know, unfortunately
23 we hear the statistics, we know that 22 veterans
24 take their own life every day in the
25 United States. This is something that we need to

1 continue to expand and make sure that veterans
2 have access to.

3 We were able to restore the funding
4 to the crisis intervention teams, to make sure
5 that law enforcement have the tools to deal with
6 a mental health crisis. This is something that
7 we need to continue to work towards to make sure
8 that every police department has access to this
9 important training.

10 And I want to thank my colleagues,
11 particularly Senator Harckham, the chairman of
12 Alcohol and Substance Abuse, for working so hard
13 to deliver, in this budget, mental
14 health-behavioral health parity. This is
15 something that we've taken a giant leap forward
16 in this budget. And I really believe, because of
17 behavioral health parity that we're passing
18 tonight, we will save lives, we will help to get
19 people the treatment, the help that they need and
20 deserve but unfortunately in the past have hit
21 roadblock after roadblock. This budget is
22 pushing those roadblocks away and is going to get
23 people the help, the treatment they need.

24 So Mr. President, I'll be voting
25 yes. Thank you.

1 ACTING PRESIDENT BENJAMIN:

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar Number 359, those Senators voting in the
5 negative are Senators Akshar, Amedore, Antonacci,
6 Boyle, Flanagan, Funke, Gallivan, Griffio,
7 Helming, Jacobs, Jordan, Lanza, LaValle, Little,
8 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
9 Serino, Seward and Tedisco.

10 Ayes, 40. Nays, 22.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 Senator Gianaris.

14 SENATOR GIANARIS: Mr. President,
15 can we now go back to the report of the
16 Finance Committee that we earlier accepted and
17 recognize Senator Krueger on a nomination.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Krueger.

20 SENATOR KRUEGER: Thank you,
21 Mr. President.

22 So it can't be earlier today, so
23 yesterday the Finance Committee and the
24 Transportation and the Corporations Committee all
25 interviewed Patrick Foye, who was being nominated

1 by the Governor to become the board chair of the
2 MTA. I guess board chair and president, chief
3 executive officer. This is the chief position
4 for the MTA.

5 Many of us have known Patrick Foye
6 from his various positions in government over the
7 years, working for the Port Authority of New York
8 and New Jersey, for LIPA earlier in his career,
9 for Governor Spitzer during his time as
10 governor --

11 ACTING PRESIDENT BENJAMIN: Senator
12 Krueger, can you pause for a second? We just
13 want to have the Secretary read the report and
14 then we'll come back to you.

15 SENATOR KRUEGER: Oh, I'm sorry.
16 Thank you.

17 ACTING PRESIDENT BENJAMIN: No
18 problem.

19 SENATOR KRUEGER: I got carried
20 away.

21 ACTING PRESIDENT BENJAMIN: The
22 Secretary will read.

23 THE SECRETARY: Senator Krueger,
24 from the Committee on Finance, reports the
25 following nomination:

1 As Chairman and Chief Executive
2 Officer of the Metropolitan Transportation
3 Authority, Patrick J. Foye, of Sands Point.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Krueger to continue.

6 SENATOR KRUEGER: Let's try that
7 one again. Okay. Ibid on everything I already
8 said.

9 So basically Pat Foye successfully
10 was moved by all three committees, and we're
11 very -- he's not here, so I'm not pretending to
12 talk to him. He went home to sleep hours ago.

13 But I think that for those of us who
14 had a chance to interview him or who might know
15 him from one of his other positions in
16 government, we know that he is an excellent
17 candidate for this position. And we are very
18 hopeful that so many of the hopes and dreams
19 we've put into a reformed, improved MTA will be
20 able to come true, both with the funding we are
21 hopefully moving through in this budget and with
22 the leadership of a strong new team at the MTA.

23 I'm proud to nominate him to be this
24 position tonight. Thank you.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Kennedy on the nomination.

2 SENATOR KENNEDY: Thank you,
3 Mr. President. At this late hour, I will be
4 brief. But let me start by congratulating --

5 (Applause; laughter.)

6 SENATOR KENNEDY: Let me start by
7 congratulating the Governor for putting forward
8 this tremendous nomination to serve in such an
9 extraordinary capacity as chairman and CEO of the
10 MTA, Patrick J. Foye.

11 I have had the real honor to have
12 gotten to know him over the last several months,
13 but his reputation had preceded him before our
14 work began with him in reforming the MTA and
15 beginning the process of moving the congestion
16 pricing plan forward with my great colleague, who
17 I also have had the tremendous honor to work side
18 by side with, and that is Chairman Senator Leroy
19 Comrie.

20 I want to thank the leader, Senator
21 Andrea Stewart-Cousins, for putting us together,
22 Senator Comrie and I, in driving forward an
23 initiative to hear from the public in an
24 unprecedented fashion across the State of
25 New York. From here in Albany to the City of

1 New York in Manhattan, to Long Island, to
2 Westchester, to Buffalo, to Syracuse we held
3 unprecedented public hearings about public
4 transit.

5 And when we look at the MTA and
6 where it is today, the driving force in the
7 economy, not just in the city and the 13 counties
8 and the millions of people that it serves
9 downstate, but also in the State of New York --
10 the heartbeat also of the economy, arguably, in
11 the United States and in the international
12 community -- it is extraordinarily important that
13 we get this right.

14 There is no doubt in my mind that
15 Patrick Foye is the right person for the job at
16 the right time. As we are taking a holistic view
17 of reforming the MTA, of holding leadership
18 accountable, of putting in place reforms that the
19 ridership and the public honestly has only dreamt
20 of -- things like a forensic audit and a 20-year
21 vision and accountability measures to put back in
22 place trust in the MTA.

23 And we are committed to holding them
24 accountable. And Patrick Foye is on the record
25 to holding them accountable as well and working

1 with us to move this initiative forward.

2 And as the clock is past 2:00 in the
3 morning, and as we take this up, this is not just
4 something that has been rushed through. This is
5 something that has been quite some time in the
6 making. Patrick Foye worked his way up. Not
7 only is he educated and went to school back in
8 the '70s and Fordham Law School in the '80s, but
9 throughout his career he has led various
10 organizations, has been a member of the board of
11 the MTA, president of the MTA. He has served in
12 various different capacities, including head of
13 economic development, where we are insisting that
14 the MTA takes a greater approach as we're
15 investing billions of dollars to fix and resolve
16 the issues with the capital problems at the MTA
17 that have been generations in the making. That
18 we're also investing in New York State across the
19 entirety of the state in our hopes of creating
20 thousands of jobs as well.

21 So I can go on and on and on, and I
22 won't, Mr. President --

23 (Laughter.)

24 SENATOR KENNEDY: I've held back
25 quite a bit tonight. But I will tell you this.

1 I know for a fact that this --

2 (Laughter.)

3 SENATOR KENNEDY: -- this is --
4 this is a tremendous appointment. I'm honored
5 and privileged to stand in support of this
6 nomination, and I congratulate Patrick Foye as
7 chairman and CEO.

8 Thank you. I vote aye.

9 ACTING PRESIDENT BENJAMIN: The
10 question is on the nomination of Patrick J. Foye
11 as Chairman of the board and Chief Executive
12 Officer of the Metropolitan Transportation
13 Authority.

14 All in favor say aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT BENJAMIN:
17 Opposed?

18 (Response of "Nay.")

19 ACTING PRESIDENT BENJAMIN: Patrick
20 J. Foye has been confirmed as Chairman of the
21 Board and Chief Executive Officer of the
22 Metropolitan Transportation Authority.

23 Senator Gianaris.

24 SENATOR GIANARIS: Mr. President,
25 can you please call on Senator Griffo. I believe

1 there will be a brief break in the proceedings,
2 very brief, and we'll be back to finish our
3 business.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Griffo.

6 SENATOR GRIFFO: Thank you,
7 Mr. President. Thank you, Senator Gianaris.

8 There will be a brief immediate
9 meeting of the Republican Conference in Room 315.

10 ACTING PRESIDENT BENJAMIN: There
11 will be a brief meeting of the Republican
12 Conference in Room 315.

13 SENATOR GIANARIS: The Senate will
14 stand at ease.

15 ACTING PRESIDENT BENJAMIN: The
16 Senate will stand at ease.

17 (Whereupon, the Senate stood at ease
18 at 2:08 a.m.)

19 (Whereupon, the Senate reconvened at
20 2:42 a.m.)

21 ACTING PRESIDENT BENJAMIN: The
22 Senate will return to order.

23 Senator Gianaris.

24 SENATOR GIANARIS: Mr. President,
25 can we please return to motions and resolutions.

1 I believe there's a privileged
2 resolution at the desk.

3 ACTING PRESIDENT BENJAMIN: We will
4 return to motions and resolutions.

5 There is a privileged resolution at
6 the desk. The Secretary will read.

7 THE SECRETARY: Senate Resolution
8 Number 958, by Senator Stewart-Cousins,
9 Concurrent Resolution of the Senate and Assembly
10 fixing the salaries of the offices of Governor
11 and Lieutenant Governor pursuant to Sections 3
12 and 6 of Article 4 of the Constitution of the
13 State of New York.

14 ACTING PRESIDENT BENJAMIN: The
15 question is on the resolution.

16 The Secretary will call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:
19 Announce the results.

20 THE SECRETARY: Those Senators
21 voting in the negative are Senators Akshar,
22 Amedore, Antonacci, Boyle, Flanagan, Funke,
23 Gallivan, Griffio, Helming, Jacobs, Jordan, Lanza,
24 LaValle, Little, O'Mara, Ortt, Ramos,
25 Ranzenhofer, Ritchie, Rivera, Robach, Serino,

1 Seward and Tedisco.

2 Absent from voting: Senators
3 Metzger, Sepúlveda and Skoufis.

4 Ayes, 35. Nays, 24.

5 ACTING PRESIDENT BENJAMIN: The
6 resolution is adopted.

7 Senator Gianaris.

8 SENATOR GIANARIS: Mr. President,
9 while we are waiting for the final message to
10 come for the last budget bill, we will have the
11 leaders' speeches at this point.

12 So if you could please begin by
13 calling on Senator Flanagan.

14 ACTING PRESIDENT BENJAMIN: Senator
15 Flanagan.

16 SENATOR FLANAGAN: Thank you,
17 Mr. President.

18 I appreciate everyone taking the
19 time. And a couple of notes here, just jotted
20 down some things that were talked about
21 throughout the course of the day. And I have to
22 tell you, without any disrespect to his
23 successor, this is about the time where I would
24 think about either Senator Hannon or Senator
25 DeFrancisco. Because Senator Hannon would sit

1 right in front of me and literally, as I was
2 about to get up, the first thing he would do is
3 go like {"wrap it up" gesture}.

4 (Laughter.)

5 SENATOR FLANAGAN: And DeFran, of
6 course, would say something similar.

7 But we are here for an important
8 reason. And I want to thank all of my
9 colleagues, I want to thank all of my colleagues
10 for doing the people's business. We come at it
11 from different angles. We certainly don't always
12 agree. And I've had the opportunity to say this,
13 and I beat a dead horse in a good way, in the
14 sense that every one of us should be proud to be
15 a public servant. Every one of us should be
16 proud to be working in government. Every one of
17 us should be proud to be an elected official and
18 to be a member of the New York State Senate.

19 I still find, after all the time
20 I've been here, when I walk into this chamber and
21 I see my colleagues, but more importantly when I
22 have guests here, they come in there in awe.
23 They're in awe of the surroundings that we find
24 ourselves in on a daily basis. So I try never to
25 lose sight of that and recognize that everything

1 here belongs to the taxpayers and we're really
2 tenants. And I'm okay with that, because we have
3 these things called elections that are the great
4 equalizing factor.

5 So with regard to the budget, I
6 obviously want to give kudos to the staff on both
7 sides. For a number of our colleagues in the
8 Majority who have been here working very hard,
9 this is the first time in a different kind of
10 fishbowl -- I'm not talking about our members,
11 but our staff. Eric, you look a little tired,
12 I'm just going to say. And rightfully so. But I
13 know how hard you've worked, and everybody else.

14 On our side of the aisle, clearly I
15 want to thank my colleagues and I want to give
16 particular thanks to Shawn MacKinnon and to
17 Joe Messina and to Morgan and to Ben and, by
18 extension, everybody that we work with. And
19 while I don't know every member of the Majority
20 staff, I would extend the same type of courtesy
21 to them. Because we try. We all know we don't
22 do it perfectly, but we do try.

23 Senator Krueger, you continue to
24 distinguish yourself as a professional. And I
25 know you've endeavored to answer the questions,

1 and my favorite is when you just flat out say
2 yes, we agreed with all the Governor's taxes. It
3 makes it so easy for us when you do that.

4 Senator Gianaris, thank you for
5 working as well as you do and so closely with
6 Senator Griffo and our colleagues and getting our
7 business done.

8 And obviously to Senator
9 Stewart-Cousins, having gone through this
10 cycle -- she's not new to the place. She knows
11 how it works. And obviously got the budget done
12 on time with -- Brad, it's okay, you can clap.

13 (Laughter; applause.)

14 SENATOR FLANAGAN: So we obviously
15 need to do the people's business and work in a
16 collegial capacity to the largest extent
17 possible. And I heard one of our colleagues, I
18 think you heard Senator Breslin, use the word
19 "camaraderie." I hope that never gets lost even
20 when things get difficult.

21 When I look at this budget and I
22 look at my colleagues and the expertise that each
23 of our members brings -- I think of my colleague
24 here Ken LaValle, who, if he hasn't, should
25 probably write a book, because he's got the

1 longest tenure here in the Senate, has a wealth
2 of history and experience and knowledge. Very
3 competent on so many different levels and always
4 brings something extra to us. And I know he
5 enjoys a very warm relationship with many of our
6 colleagues in the majority.

7 So when I look at the budget -- when
8 I say "I," I think I can respectfully speak on
9 behalf of the members of our conference -- there
10 are some good things in there. If I had to pick
11 out one thing, making the property tax cap
12 permanent. We have talked about that for years
13 and years and years and years and years. And in
14 reality, this goes back to when George Pataki was
15 Governor. George Pataki brought -- George Pataki
16 advanced the STAR program with a property tax
17 cap, which never got enacted. And for the
18 taxpayers of the State of New York, I'm glad to
19 see that that's happening.

20 But as I look at this budget, I
21 think of words that we talked about last year:
22 Affordability, opportunity and security. So in
23 the advent of -- or the world that we live in
24 with social media and technology, one of the
25 major newspapers here in New York has a cover

1 that's already out for tomorrow that says "Tax,
2 Tax, Tax." Big bold letters. So affordability,
3 it's not us, not just us saying this, New York is
4 getting less and less affordable to live. And
5 this budget doesn't make things any better.

6 Now, you all have your right and
7 prerogative and opportunity to advance your
8 legislative agenda, which in this case includes
9 taxes. Last year the Governor introduced an
10 internet tax. We killed it, you passed it.
11 There are a number of things that are in here
12 that we don't think are good on behalf of
13 residents, taxpayers and constituents.

14 Now you have to pay a bag tax when
15 you go to the grocery store. Environmental
16 issues notwithstanding, it's a regressive tax
17 that hurts poor people more than anybody. But
18 it's a new tax.

19 So now we have the internet tax so
20 every time you go online, it's going to cost you
21 more money.

22 We took away an exemption that's
23 going to raise everybody's energy rates, so
24 that's a new energy tax.

25 There's a prescription drug tax

1 that's going to hurt a lot of people, most
2 notably seniors. And there isn't a person who
3 doesn't think that prescription drug costs aren't
4 high enough already.

5 There's a new commuter tax. I'm
6 calling it a commuter tax because I've been here
7 long enough to see what it was, what it meant,
8 where it is, where it's going. And I think
9 that's going to be very detrimental to all of the
10 State of New York.

11 So there's a whole bunch of things
12 in here that I think undermine affordability for
13 the average New Yorker.

14 Now, there are a lot of
15 conversations about where the state was and where
16 it's going and how even if you go after the
17 people who are more affluent, they're not going
18 to leave, they have the ability to pay. There's
19 independent documentation of people who are
20 leaving. I was reading a story today, today,
21 about revenues in the State of New York and how
22 the Comptroller is saying Wall Street's doing
23 fine. Wall Street's actually doing pretty well.
24 But the people that are getting those bonuses,
25 they're leaving. The bonuses are being

1 generated, but those people are leaving. And
2 they do pay a disproportionate share of the taxes
3 here in the State of New York.

4 Opportunity. No discussion about
5 tax cuts. No discussion about middle-class tax
6 relief. There's an extension of the
7 millionaire's tax, but there's no extension of
8 the property tax rebate checks. No way of adding
9 onto that program. We tried to accelerate the
10 middle-class tax cut, that was rejected and
11 rebuffed. So there's nothing for the middle
12 class that cuts their taxes. There's nothing, as
13 I've just described in a number of different
14 ways, in terms of opportunity.

15 I didn't hear any real discussions
16 about economic development. I don't think
17 there's anything in here about jobs. The
18 question was asked today, How would you score
19 this in terms of jobs? Well, the one I know for
20 sure is that Amazon was on the verge of coming
21 here, so that's 25,000 jobs that I know we lost.
22 And we need to keep talking about that as a point
23 in terms of where we are as a state. That's a
24 lost opportunity.

25 Not changing our regulatory

1 structure. Not changing our energy policy. Not
2 radically overhauling our economic development
3 programs and making it easier to grow and start a
4 business here in the State of New York. Those
5 are lost opportunities.

6 So when I look at security -- now, I
7 know a number of my colleagues don't like some of
8 the things that we're saying. I'm fine with
9 that. Because I don't like a number of things I
10 hear from the other side, but that's all part of
11 the process. I believe that this budget makes
12 people less secure. There are changes in here
13 that have nothing to do with victims. And yes,
14 we've called this a criminal bill of rights. And
15 some people aren't comfortable with that. But
16 there are radical changes in this budget.

17 We talked about Senator Sepúlveda's
18 legislation today. We talked about Senator
19 Bailey's legislation. And they were very
20 articulate in terms of what they were saying.
21 But I don't want to vote for something that's
22 going to repeal the sentences -- part of a
23 sentence for over 17,000 New Yorkers who have
24 drug-related offenses.

25 I don't want to go back home to my

1 constituents and say, you know, we have a pocket
2 of people who are here illegally in this country
3 who have not only been arrested and charged but
4 convicted of a crime and are now serving time in
5 a correctional facility and we're changing the
6 law by one day to make sure that these people
7 don't have any risk of deportation. The people I
8 represent are saying wait a second, these people
9 are here illegally and they've been convicted of
10 a crime and they're serving time. So the
11 disposition and the orientation is different from
12 us philosophically.

13 On the bail, there are a number of
14 crimes that are out there for which now people
15 are going to be released automatically. Senator
16 Lanza spoke about this very eloquently today.

17 So all these things tie into, in my
18 opinion, and I think our colleagues, about lost
19 opportunities. Where's the legislation to
20 protect victims? Why are we so concerned about
21 the people who are charged and who have been
22 convicted but do nothing for the people who are
23 the law-abiding citizens? In my opinion and that
24 of my colleagues. So that's lost opportunity.

25 And looking at other areas of the

1 budget, you know, education aid, there were a lot
2 of things talked about today. Yes, there's more
3 money for Foundation Aid, but it doesn't help my
4 districts. And it doesn't help a lot of my
5 colleagues' districts. And I'm going to be very
6 fair, I think, in saying this is a subject-matter
7 area that I know as well as anybody in this room.
8 Anybody. So when I talk about education aid, I
9 believe in supporting all of our schools.
10 Whether it's New York City or the North Country
11 or the Southern Tier or Western New York, we all
12 share those interests. So that's what we need to
13 be focusing on.

14 But the last thing I want to talk
15 about is this place and what has happened in this
16 budget. We have given more power -- no, not
17 we -- you have given more power to the Governor.
18 We have given away some of our authority and some
19 of our responsibility. And I understand the ins
20 and the outs and the ups and the downs of the
21 budget process and its negotiations. But I look
22 at something like the Public Authorities Control
23 Board, who three months ago that entity most
24 people didn't even know what it was. Now we've
25 given the authority to the Governor to yank

1 somebody from that control board, that that power
2 didn't exist before. That's abdicating our power
3 and I believe our responsibility to the
4 Executive.

5 You all have decided that the
6 Governor and the Budget Director should have more
7 flexibility and more authority to get into the
8 health budget and, upwards of \$200 million, be
9 able to do whatever they want. If they don't
10 think things are going right, we cede that
11 authority to the Executive. I don't think that's
12 a prudent course of action.

13 You all have decided that you wanted
14 to have a commission to give away our discretion
15 and our latitude and authority on public
16 financing of campaigns. You all voted tonight
17 for public financing of campaigns. And we all
18 pay attention to the same data in polling.
19 People do not like public financing of campaigns
20 because when it comes down to a choice between
21 programs like healthcare and programs for the
22 aging and Lyme and tick disease and heroin and
23 opioid addiction, 99 times out of 100 the
24 taxpayer's going to go for those programs, not
25 welfare for politicians.

1 And last but by no means least is
2 sort of a dichotomy when we look at the commuter
3 tax and how that authority is now given to an
4 outside group of people. They may be experts,
5 but they're an outside group of people. That's a
6 decision that should be made by the appointed
7 representatives from the Governor, from this
8 legislative body, so we don't give away our
9 fundamental role. We should never do that. It's
10 hard enough working with the Executive on all of
11 these issues.

12 So I think we have undermined
13 affordability in the State of New York, we have
14 lost opportunity not only to protect people but
15 on job security and economic development and all
16 those types of things. And as I said, with
17 regard to security, we just look at things
18 differently than many of our colleagues do. And
19 as I always say, that's your prerogative.

20 As we move ahead, we have a lot more
21 things that we need to do. And, you know, I
22 left -- I'm sure I left several different things
23 out. I'll just close with this, Mr. President.
24 I want to thank Senator Stewart-Cousins for
25 continuing to do the people's business and

1 getting things done. We will push hard. We
2 will -- you know, we'll mix it up verbally and
3 we'll make our points be known.

4 And I look forward to the second
5 half of our session so that hopefully we will
6 address a number of the issues that we believe
7 have been left out, as you all have said. And I
8 know you are very capable of always telling us
9 and me the things that we didn't do. I think
10 I've outlined some of the things that we believe
11 should be priorities, and we're not going to walk
12 away from those.

13 So to all of my colleagues, thank
14 you for allowing me the opportunity to speak.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Gianaris.

17 SENATOR GIANARIS: Mr. President,
18 can we now hear from our distinguished Majority
19 Leader, Andrea Stewart-Cousins.

20 ACTING PRESIDENT BENJAMIN: Senate
21 Majority Leader Andrea Stewart-Cousins.

22 SENATOR STEWART-COUSINS: Thank you
23 so much, Mr. President.

24 The hour is late, and we have done,
25 yes, the people's business. And of course even

1 though the hour is late, I cannot neglect to
2 thank the staff on both sides of the aisle who
3 worked so hard to make sure that we were able to
4 do what we've done.

5 It's been a long time since we've
6 been on this side of the aisle, and the number of
7 hours and the diligence that actually has to be
8 sustained to make this happen is really
9 incredible. So I certainly thank everyone, but I
10 definitely want to thank the people who, for the
11 first time in a decade, worked to make this
12 evening, this historic day happen.

13 (Applause.)

14 SENATOR STEWART-COUSINS: And I
15 certainly want to thank my Finance chair, Liz
16 Krueger. Liz, you know, I've watched you since
17 the very beginning, in awe of how much you knew
18 and how you owned that knowledge and kept it and
19 shared it.

20 And I know you weren't even feeling
21 terribly well over the past few days, and I
22 wondered if she could be up to the task. Of
23 course you hit it out of the park, and thank you
24 so much for this work. Thank you.

25 (Applause.)

1 SENATOR STEWART-COUSINS: And for
2 my deputy, Senator Gianaris, who runs this floor
3 and gets everything moving and making sure that
4 people know what they're supposed to be doing
5 when, I want to thank you. Thank you for always
6 staying on point and, again, making sure that we
7 got through this evening. Thank you so much.

8 (Applause.)

9 SENATOR STEWART-COUSINS: And you
10 know, my counsel staff, the Finance staff --
11 amazing. The leaders are new in their positions,
12 just like we're new in this position. And I want
13 to thank Todd Scheuermann, the Finance director,
14 for the work that he's done.

15 (Applause.)

16 SENATOR STEWART-COUSINS: Ablly
17 helped by Felix, who is -- you know, again, so
18 much institutional knowledge.

19 And of course I have a chief of
20 staff and a counsel who's amazing, MVP Shontell
21 Smith.

22 (Applause.)

23 SENATOR STEWART-COUSINS: And of
24 course I do appreciate the interaction and the
25 cooperation, certainly, with Senator Griffo in

1 your role.

2 And of course Senator Flanagan, it's
3 always good to share time talking about how we
4 see things. And I think what's important,
5 obviously, is that I think we all know why we're
6 here regardless of how we see these things.

7 And this budget is not only a fiscal
8 document, we know it's a policy document. And
9 you can depict it the way you believe, but we
10 believe that opportunity is in these pages. We
11 believe that tax rates are in these pages. We
12 believe that our consciousness about the
13 environment are in these pages. We believe that
14 our understanding that you are indeed innocent
15 until proven guilty, and that you deserve to have
16 rights before you're tried to know what it is
17 you're being accused of, and you have the right
18 to a speedy trial. We believe that you should
19 not be criminalized if you're poor. And we
20 believe if we invest in education, if we invest
21 in our children, if we make sure that they have
22 what they need from pre-K to college, that we
23 will make sure that we stop what has become too
24 often the school-to-prison pipeline.

25 So when you hear my side of the

1 aisle talking about these things, talking about
2 education, we are proud that we increased
3 education spending by over a billion dollars. We
4 are proud that in a year -- especially a year
5 with the tax attack that we've experienced from
6 our national government, where we are dealing
7 with much less, we were still able to put a
8 billion dollars towards education. And we were
9 still able to make the tax cap permanent. We
10 understand that when we invest in our communities
11 and we invest in our kids, we're securing our
12 future. And we're not looking for a jail cell to
13 do that. We want to help to do that work.

14 And we talked about economic
15 development in a difficult time, but the first
16 thing that was handed to us was the restoration
17 of over \$500 million of healthcare. Those are
18 people working. And they're people working to
19 make sure the sick and the vulnerable among us
20 are able to recover. So we look at that as jobs
21 too.

22 And yes, the internet tax exists.
23 And it's a tax, as Senator Krueger says, that
24 should have been collected. And the reality is
25 that it's also able to put our local businesses

1 in a competitive light. Maybe the difference
2 could be I'll go to my local store. Maybe I'll
3 walk in and buy something in my community. Maybe
4 that's a good idea.

5 We've got a lot of work to do. But
6 this Majority and every member in it has worked
7 for this day, and the fruits of their labor in
8 this three-month period is extraordinary. We've
9 got 15 new people over here, almost half of this
10 conference. And from the time we walked in, we
11 understood that we had an opportunity not to be
12 great, but to make sure that what we gave every
13 district and every person in New York was great.

14 And when we looked at the things
15 that we could have done, whether it was our
16 voting laws, whether it was early voting -- which
17 we have, yes, now funded -- whether it is talking
18 about child victims because we care about the
19 security, yes, we care about victims. Whether
20 it's talking about reproductive health, whether
21 it's talking about sensible gun laws, we
22 understood that, yes, Dreamers who are here are
23 only able to contribute when they educate and
24 have access.

25 We do see things differently. And

1 I'm so glad that the diversity of our thought and
2 our opinion could come together in little
3 workgroups and get us to an end. That Jamaal and
4 Mike and Zellnor and Shelley and Todd could sit
5 in a room with their Assembly colleagues and
6 figure out a way. And yes, they've spoken to
7 DAs, and yes, they've spoken to stakeholders.
8 And yes, there are the Kalief Browders in the
9 world that haunt every single one of us and
10 should haunt every single one of us. Nobody
11 should spend three years in Rikers Island because
12 they were accused -- accused -- accused of
13 stealing a backpack, because they didn't have the
14 money to get out. And the mental illness that
15 came caused him to commit suicide. We can do
16 better. And we have.

17 And yes, we have an MTA. We know
18 that this cannot be the economic hub if the
19 transportation is not reliable. And nobody could
20 figure out a way to sustain the MTA, but we were
21 able to do that. Yes, there was a framework,
22 there was an agreement, there was a mayor, there
23 was a governor, there was an agreement and a
24 framework. But that wasn't enough. And I put
25 together Senator Comrie and Senator Kennedy and

1 they got together a workgroup and we worked this
2 through. And now there will be millions and
3 millions and billions of dollars to sustain a
4 system that we need and, by the way, give
5 resources to LIRR, to Metro-North that were never
6 guaranteed before.

7 Sometimes we say a rising tide lifts
8 all boats. But really it only does if you really
9 want to lift all boats. You heard the passion
10 here. These people came together to do what
11 people need to be done to make sure that they can
12 thrive in the greatest city, in the greatest
13 state, in all of the great communities that make
14 up New York. And every single one of us on both
15 sides of the aisle are going to make sure that
16 happens.

17 I want to thank my colleague in the
18 Assembly, Speaker Heastie, who is a partner. I
19 want to thank the Governor, because we figured it
20 out. And I want to thank all of you, because I
21 know this has been a long night, you've been
22 diligent, you've been thoughtful, and you deserve
23 a break. You deserve to enjoy the -- so after
24 tomorrow, you get to go home. And I know that's
25 probably the best thing I've said to you so far.

1 (Laughter.)

2 SENATOR STEWART-COUSINS: In fact,
3 after today, because we're -- after session
4 today, then you get home.

5 But no, we do realize that there is
6 talent on both sides and there are things we will
7 do together and we will continue to do together.
8 But I am excited beyond measure that 39 people
9 came together, most of us didn't know each other,
10 and we made the impossible happen because we
11 understood that only we could.

12 So thank you very much to my
13 colleagues. And again, enjoy the rest of the
14 week.

15 And thank you, Mr. President, for
16 allowing me this time.

17 (Standing ovation.)

18 ACTING PRESIDENT BENJAMIN: Senator
19 Gianaris.

20 SENATOR GIANARIS: Mr. President,
21 if you thought that was the end of our session,
22 it was your first April Fools joke three hours
23 in.

24 (Laughter.)

25 SENATOR GIANARIS: If we can return

1 to the bill we laid aside from Supplemental
2 Calendar B, Calendar 362, I believe we have a
3 message of necessity at the desk for it.

4 ACTING PRESIDENT BENJAMIN: There
5 is a message of necessity at the desk.

6 SENATOR GIANARIS: I move to accept
7 the message.

8 ACTING PRESIDENT BENJAMIN: All in
9 favor of accepting the message of necessity
10 signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT BENJAMIN:

13 Opposed?

14 (Response of "Nay.")

15 ACTING PRESIDENT BENJAMIN: The
16 message is accepted and the bill is before the
17 house.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 362, Senate Budget Bill, Senate Print 1501A, an
21 act making appropriations for the support of
22 government.

23 ACTING PRESIDENT BENJAMIN: Read
24 the last section.

25 THE SECRETARY: Section 5. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:
6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar 362, those Senators voting in the
9 negative are Senators Akshar, Amedore, Antonacci,
10 Boyle, Flanagan, Funke, Gallivan, Griffio,
11 Helming, Jacobs, Jordan, Lanza, LaValle, Little,
12 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
13 Serino, Seward and Tedisco.

14 Ayes, 40. Nays, 22.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 Senator Gianaris, that completes the
18 reading of today's calendar.

19 SENATOR GIANARIS: Is there any
20 further business at the desk?

21 ACTING PRESIDENT BENJAMIN: There
22 is no further business at the desk.

23 SENATOR GIANARIS: I move to
24 adjourn until Monday, April 1st, at 3:00 p.m.

25 ACTING PRESIDENT BENJAMIN: On

1 motion, the Senate stands adjourned until Monday,
2 April 1st, at 3:00 p.m.

3 (Applause.)

4 (Whereupon, at 3:19 a.m., the Senate
5 adjourned.)

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